S. HRG. 99-290

INTERNATIONAL AIRPORT SECURITY AND ANTI-HIJACKING MEASURES

HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

S. 1321

ENTITLED THE "AIRPORT AND AIR CARRIER SECURITY IMPROVEMENT ACT OF 1985"

S. 1326

TO PROVIDE AIR PASSENGER SECURITY FOR CERTAIN AIR CARRIER FLIGHTS

S. 1343

TO IMPROVE SAFETY AND SECURITY FOR PEOPLE WHO TRAVEL IN INTERNATIONAL AVIATION

H.R. 2796

TO IMPROVE SECURITY STANDARDS FOR INTERNATIONAL AIR TRANSPORTATION

JUNE 27, 1985

Printed for the use of the
Committee on Commerce, Science, and Transportation

U.S. GOVERNMENT PRINTING OFFICE

53-421 O WASHINGTON : 1985

S261-55

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INTERNATIONAL AIRPORT SECURITY AND ANTI-HIJACKING MEASURES

THURSDAY, JUNE 27, 1985

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
SUBCOMMITTEE ON AVIATION,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room SR-253, Russell Senate Office Building, Hon. Nancy Landon Kassebaum (chairman of the subcommittee) presiding.

Staff members assigned to this hearing: Steve Johnson and Chuck Doyle, staff counsels; and Steve Palmer, minority professional staff member.

OPENING STATEMENT BY SENATOR KASSEBAUM

Senator KASSEBAUM. The hearing will please come to order. There are witnesses still to come, but if we do not get started now it will go on quite a while.

The purpose of this morning's hearing is to explore the entire issue of aviation security in light of recent world events. I appreciate the efforts of all those present today as we grapple with these very difficult questions. There are many testifying today who are working diligently on the problem, and I particularly appreciate their giving their time to be here, and appreciate my colleagues who have been very involved in trying to work out legislative solutions to the problem which confronts us.

It is unfortunate that we find it necessary to have this hearing at all. It is very sad to come to the realization that our citizens cannot travel freely and safely as they once did. But as we mourn the victims of the Air India disaster and anxiously await the return of the hostages from Beirut, we must realize that what has happened takes away a little of our freedom as well.

These recent events point out that we will never be able to assure absolute safety from organized professional terrorists. We must, however, explore every option for improving security. That is the purpose of this hearing.

I would like to suggest two areas that may merit particular attention. First, we must take it upon ourselves to improve the security of aircraft on the ground. It is fine to talk about sanctions against countries with lax security, but we need to take positive steps to protect U.S. aircraft at high-risk airports. The sky marshals that some have suggested would, I believe, be far more useful

on the ground to ensure that arms are not smuggled aboard aircraft while such aircraft are being serviced.

The second area which merits attention is that of luggage screening. We should explore ways of improving that screening, using existing technology as well as proceeding with research into new machines that may be able to detect explosives. The Secretary of Transportation, Elizabeth Dole, has already announced some steps in this regard, and the FAA is engaged in proceeding ahead.

As a final point before we begin, I think it is important to remember that we do not know the facts surrounding either the TWA or Air India incidents. We do not know where or how the weapons came aboard the TWA flight. We do not even know for sure that a bomb did cause the Air India crash.

Certainly we should explore improved security. But we must be leery, I think, of radical solutions to problems when we are still exploring the cause.

Senator Hollings, do you have a statement?

OPENING STATEMENT BY SENATOR HOLLINGS

Senator HOLLINGS. Today the subcommittee meets to discuss a matter of utmost urgency. Recent terrorist bombings aboard international flights have caused the deaths of several hundred people, including many Americans. Forty more U.S. citizens are being held by various Shiite factions in Beirut, the result of the hijacking of a TWA flight from Athens. And other acts of terrorism involving international airports and airlines are mounting.

Right now, we can talk all we want about the current hostage crisis and what forms of retribution we should impose on international terrorists. But talk is cheap. First, let's get our captive citizens back home alive. And in the meantime, we can start taking positive steps to minimize the chances of such a tragedy reoccurring.

A paramount function of Government is to provide for the safety of its citizens. We in the Congress must act decisively to improve security for Americans who travel on international flights. Right now the level of security, as we saw with the Athens airport, is abysmally low in some instances.

For that reason I am a cosponsor of two of the bills before us today, S. 1321, the Airport and Air Carrier Improvement Act, and the Anti-Hijacking Act, S. 1343. Both bills will add extra measures of security for American air travelers overseas. Among other things, they will provide authority to limit flights to and from international airports with security problems, increased public awareness of where those airports are, and a study of the need for additional sky marshals.

I will work for swift passage of these measures. U.S. citizens should not have to fear for their lives or their destination any time they board an airline to or from an international airport.

I look forward to hearing from today's witnesses, so that the people on the front line can tell what will work and what won't. This is not an issue that allows for partisan rhetoric. We must take the steps these bills call for and end this reign of terror in the skies.

[The bills follow:]

99TH CONGRESS
1ST SESSION

S. 1321

Entitled the "Airport and Air Carrier Security Improvement Act of 1985".

IN THE SENATE OF THE UNITED STATES

JUNE 19 (legislative day, JUNE 3), 1985

Mr. DIXON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

Entitled the "Airport and Air Carrier Security Improvement Act of 1985".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act shall be cited as the "Airport and Air Carrier Security Improvement Act of 1985".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) innocent persons have been killed, injured, and victimized, human rights violated, property destroyed and damaged, and international commerce obstructed as a result of air carrier hijackings and other violations

of national and international law involving airports and air carriers;

(2) such acts represent an intolerable attack against the fundamental right to life and security of all peoples of the world;

(3) such acts constitute a threat to the orderly and civilized functions of the international community;

(4) certain nations exhibit a pattern of either supporting or condoning air carrier hijackings; and

(5) certain international airports fail to maintain consistently effective security measures.

(b) It is therefore the purpose of the Act to—

(1) enlist the cooperation of all other nations and national and international organizations in initiatives to improve the security of air carriers and airports throughout the world, while safeguarding democratic values;

(2) promote appropriate action by the United States and other governments in order to combat air carrier hijackings and other breaches of national and international laws and regulations related to aviation; and

(3) provide public notice to persons traveling in international air commerce of deficient security programs and facilities at certain foreign airports.

INFORMATION ON FOREIGN AIRPORT SECURITY

SEC. 3. Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. 1515) relating to security standards in foreign air transportation is amended to read as follows:

"SECURITY STANDARD IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports serving United States carriers, those foreign airports from which foreign air carriers serve the United States, and at such other foreign airports as the Secretary may deem appropriate. Such assessments shall be made by the Secretary in consultation with the appropriate aeronautic authorities of the concerned foreign government. The assessment shall determine the extent to which an airport effectively maintains and administers security measures. The criteria utilized by the Secretary in assessing the effectiveness of security at United States airports shall be considered in making such assessments and shall be equal to or above the standards established pursuant to the Convention on International Civil Aviation. The assessment shall include consideration of specific security programs and techniques, including but not limited to, physical and personnel security programs and procedures, passenger security and baggage examination, the use of electronic, mechanical or other detection devices, airport police and security forces,

and control of unauthorized access to the airport aircraft, airport perimeter, passenger boarding, and cargo, storage, and handling areas.

"(b) The report to the Congress required by section 315 of this Act shall contain:

"(1) A summary of those assessments conducted pursuant to subsection (a) of this section. The summary shall identify the airports assessed and describe any significant deficiencies and actions taken or recommended.

"(2) A description of the extent if any to which specific deficiencies previously identified, if any, have been eliminated.

"(c) When the Secretary finds that an airport does not maintain and administer effective security measures at the level of effectiveness specified in subsection (a) of this section, he shall notify the appropriate authorities of such foreign government of his finding, and recommend the steps necessary to bring the security measures in use at that airport to the acceptable level of effectiveness.

"(d)(1) Not later than sixty days after the notification required in subsection (c) of this section and upon a determination by the Secretary that the foreign government has failed to bring the security measures at the identified airport

to the level of effectiveness specified in subsection (a) of this section, he—

"(A) shall publish in the Federal Register and cause to be posted and prominently displayed at all United States airports regularly serving scheduled air carrier operations the identification of such airport; and

"(B) after consultation with the appropriate aeronautical authorities of such government and, notwithstanding section 1102 of this Act, may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any carrier or foreign air carrier to engage in foreign air transportation utilizing that airport.

"(2) The Secretary shall promptly report to the Congress any action taken under this subsection setting forth information concerning the attempts he has made to secure the cooperation of the nation in attaining the acceptable level of effectiveness.".

AVIATION SECURITY ASSISTANCE TO FOREIGN GOVERNMENTS

SEC. 4. (a)(1) The Secretary of Transportation is authorized to promote the achievement of international aviation security by providing technical assistance concerning aviation security to foreign governments. Such technical assistance may include the conduct of surveys to analyze the level of aviation security in airports and the provision of training in

aviation security to foreign nationals. Such training in aviation security may be conducted either in the United States or in foreign nations. The Secretary may provide for the payment of subsistence and expenses for travel within the United States for foreign nationals receiving such aviation security training in the United States.

(2) The Secretary may require a foreign government to reimburse the United States for all, part, or none of the cost of providing the technical assistance authorized under paragraph (1).

(b) There is authorized to be appropriated to carry out the provisions of this subsection an amount not to exceed $500,000 for each of the fiscal years 1986, 1987, and 1988.

PRIORITIES FOR NEGOTIATION OF INTERNATIONAL AGREEMENTS

SEC. 5. (a) The President is hereby urged to seek international agreements to assure more effective international cooperation towards improving the security of air carriers and airports.

(b) High priority in the negotiation of such agreements should be given to agreements which include, but which need not be limited to the following:

(1) establishment of a permanent international working group, including subgroups on topics as may be appropriate, including but not limited to, law enforcement and crisis management, which would combat

international terrorist incidents involving air carriers and airports by—

(A) promoting international cooperation among countries; and

(B) developing new methods, procedures, and standards to combat international terrorism;

(2) establishment of means to effect observance of—

(A) the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, December 16, 1970);

(B) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971); and

(C) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (New York, December 14, 1973);

(3) establishment of international legal requirements to prohibit and punish the act of taking hostages.

EXTENSION OF EXISTING SECURITY MEASURES

SEC. 6. Section 315(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1356(b)) is amended by adding the words "or charter" immediately after the word "scheduled" where it first appears.

99TH CONGRESS
1ST SESSION

S. 1326

To provide air passenger security for certain air carrier flights.

IN THE SENATE OF THE UNITED STATES

JUNE 19 (legislative day, JUNE 3), 1985

Mr. MOYNIHAN (for himself, Mr. D'AMATO, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To provide air passenger security for certain air carrier flights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Air Passenger Security Act of 1985".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) airport security programs providing a law enforcement presence and capability and requiring the screening or searching of passengers and property are the most effective means of significantly reducing the

incidence of aircraft piracy and acts of violence aboard aircraft;

(2) the effectiveness of airport security programs was demonstrated in the sharp reduction of criminal violence and aircraft piracy in the United States following the mandatory institution of airport security programs at United States' airports in 1974;

(3) some, but not all, airports in foreign countries have instituted similarly effective airport security programs;

(4) the knowledge that unidentified armed marshals will be on a flight can deter aircraft piracy and acts of violence and the presence of unidentified armed marshals can prevent such acts should they be attempted;

(5) in the absence of an effective airport security program, the presence of unidentified armed marshals on a flight departing that airport represents the most effective means of reducing aircraft piracy and violence; and

(6) the criminal jurisdiction of the United States extends to aircraft registered in the United States while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is

opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard.

PURPOSE

SEC. 3. The purpose of this Act is to increase the security of passengers travelling on United States air carriers departing from foreign airports with ineffective airport security programs.

AIR MARSHALS

SEC. 4. Section 316 of the Federal Aviation Act of 1958 (49 U.S.C. 1357) is amended by inserting immediately after subsection (b) the following new subsection, and relettering subsequent subsections accordingly:

"(c)(1) As used in this subsection, the term 'unsecure foreign flight' means a scheduled or public charter passenger flight of a civil aircraft of the United States operated by an air carrier, having a passenger seating configuration of more than 60 seats, departing from a foreign airport not included on the list of secure foreign airports published by the Administrator pursuant to paragraph (3) of this subsection.

"(2) The Administrator shall employ individuals to serve as unidentified armed passengers on unsecure foreign flights. Such individuals shall be deputized as United States Marshals and shall be known as 'United States Air Marshals'. It shall be the duty and responsibility of such Marshals to enforce

subsections (i), (j), (k), (l), and (n) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472).

"(3) At least one United States Air Marshal must be aboard each unsecure foreign flight.

"(4) The Administrator shall, no later than 90 days following the date of the enactment of this subsection, review the effectiveness of airport security programs operating at foreign airports which serve as points of departure for scheduled or public charter passenger flight of a civil aircraft of the United States operated by an air carrier having a passenger seating configuration of more than 60 seats. Within the 30-day period following such review, the Administrator shall publish in the Federal Register a list of those foreign airports which the Administrator has determined have an effective security program. The Administrator shall continually review such foreign airport security programs and revise and update such list not less than every 180 days.

"(5) Until such time as the Administrator employs the requisite number of United States Air Marshals, the Administrator, with the consent of the head of the affected department or agency of the United States, is authorized to utilize appropriate personnel from such department or agency including but not limited to the Department of the Treasury, the Federal Bureau of Investigation, and the Department of Defense.

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"(6) In the event any foreign nation refuses to permit, or impedes, United States Air Marshals from fulfilling their functions as unidentified armed passengers, the President shall take action under section 1114 of this Act as if he had determined that such nation was acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft.

"(7) Consistent with the requirements of paragraph (3), nothing in this subsection shall be construed to impair the Administrator's existing authority to place United States Air Marshals on such other flights, domestic or foreign, as he or she may lawfully do in response to information that such flight is subject to a particular risk of aircraft piracy or criminal violence.".

AUTHORIZATION

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

99TH CONGRESS
1ST SESSION

S. 1343

To improve safety and security for people who travel in international aviation.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 3), 1985

Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To improve safety and security for people who travel in international aviation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-Hijacking Act of 1985".

SEC. 2. (a) The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded air marshal program on international flights of United States air carriers and report the results of the study to the Congress. If the Secretary of Transportation and the Secretary of State find that such an expanded air marshal

program is necessary, then there is authorized to be appropriated such sums as may be necessary to carry out the program. Such sums shall be derived from the Airport and Airway Trust Fund.

(b) The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

SEC. 3. Section 1115 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1515), is amended as follows:

(1) in subsection (b) by striking "hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act" and inserting in lieu thereof "hold authority under title IV of this Act",

(2) in subsection (b) by striking "minimum standards" wherever the phrase appears and inserting in lieu thereof "standards and recommendations", and

(3) by adding at the end the following new subsections:

"(c) Notwithstanding the provisions of subsection (b) of this section and sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and that the public interest requires an immediate suspension of services between the United States and the identified airport, the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any persons to operate aircraft in foreign air commerce to or from that foreign airport.

"(d) The provisions of this section shall be deemed to be a condition to any authority under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

99TH CONGRESS
1ST SESSION

H. R. 2796

IN THE SENATE OF THE UNITED STATES

JUNE 24 (legislative day, JUNE 3), 1985
Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

To improve security standards for international air transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Foreign Air Travel Security Act of 1985".

SEC. 2. (a)(1) Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, and at such other foreign airports as the Secretary may deem appropriate. Each such assessment shall be made by the Secretary in consultation with the appropriate aeronautic authorities of the concerned foreign government and each air carrier serving the foreign airport at which the Secretary is conducting such assessment. The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and recommendations contained in Annex 17 to the Convention on International Civil Aviation, as such standards and recommendations are in effect on the date of such assessment.

"REPORT OF SUCH ASSESSMENTS

"(b) Each report to the Congress required by section 315 of this Act shall contain:

"(1) A summary of those assessments conducted pursuant to subsection (a) of this section.

"(2) A description of the extent to which identified security deficiencies have been eliminated.

"NOTIFICATION OF FINDINGS

"(c) Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation finds that an airport does not maintain and administer effective security measures, the Secretary shall notify the appropriate authorities of such foreign government of such finding, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"IDENTIFICATION OF AIRPORTS

"(d)(1) Not later than one hundred and twenty days after the notification required in subsection (c) of this section and upon a determination by the Secretary of Transportation that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section, the Secretary—

"(A) shall publish in the Federal Register and cause to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations the identification of such airport; and

"(B) after consultation with the appropriate aeronautical authorities of such government and each air carrier serving such airport, and, notwithstanding section 1102 of this Act, may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any carrier or foreign air carrier to engage in foreign air transportation utilizing that identified airport.

"(2) The Secretary of Transportation shall promptly report to the Congress any action taken under this subsection setting forth information concerning the attempts he has made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of such airport under subsection (a) of this section.

"NOTICE TO AIRLINE PASSENGERS

"(e) In any case in which the Secretary of Transportation has determined, pursuant to subsection (d) of this section, that a foreign government has failed to bring security measures at an identified airport up to the specified standard, each air carrier and foreign air carrier providing service between the United States and such identified airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such identified airport. Such notice shall be by written material included on or with such ticket.".

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation."

and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.
"(a) Assessment of security measures.
"(b) Report on assessment.
"(c) Notification of findings.
"(d) Identification of airports.
"(e) Notice to airline passengers.".

(b) Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(b) of this Act.".

Passed the House of Representatives June 19, 1985.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

Senator KASSEBAUM. I thank the panelists who are here. I will take my colleagues in order of their arrival, which seems to me the fairest way to proceed.

Senator Moynihan, I believe you were here first and it is a pleasure to welcome you.

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM NEW YORK

Senator MOYNIHAN. I am here in the company of Senator Lautenberg and Senator D'Amato. We introduced last week S. 1326, a bill to require that at least one armed sky marshal be placed aboard American flights departing from a foreign airport that the Administrator of the Federal Aviation Administration has judged to have inadequate security measures normally in place or to be especially under duress of one or another kind.

It is a straightforward proposition and can be put in the context of your very careful and thoughtful introductory remarks. First, to emphasize, you are absolutely right that the principal measures in this whole matter of air safety have to be taken on the ground at the airport. Perhaps we should remind ourselves that we did this at our airports.

In 1974, the Federal Government required that there be electronic devices to check baggage, check carry-on baggage and to check passengers as they enter the boarding area of our aircrafts. We all go through those little doorways;, we put our keys in boxes as we do so.

Prior to that time there was a huge epidemic of spontaneous seizure of airplanes, mostly going to Cuba. After 1974 it stopped. The airport security measures have worked to a degree that I do not know anyone could have expected. It has just put an end to that.

It is important, I think, in this regard to note that—and I do not present myself as an authority in this regard—we can overestimate the role of organized terrorism in this kind of act. Just as often, it appears to be spontaneous. In the great majority of cases, it is sort of the individual decides to do something and you cannot find any network or any very large political purpose.

As regards sky marshals, they first became an issue in the context of planes being seized and taken to Cuba. The first sky marshal was sworn in by Robert F. Kennedy as Attorney General of the United States on March 2, 1962, in the context of the Cuban hijacking situation. There were not that many in the years that followed, but they had an effect.

In 1970, President Nixon, facing a similar situation, began a much larger program; at one point 2,500 persons were deputized as air marshals. And then, in a curious way, as our countermeasures took effect and began to slow down the hijackings, we tended to think the problem of hijackings had disappeared and we took away our countermeasures.

The role of an unidentified person aboard these planes is simply to deal with the event, the final event, where all the other ground-based measures have, in fact, failed. The Israelis have done this for a very long time. They have a very good record. E1-A1 planes are not hijacked. Every so often someone tries. They do not succeed.

I will just make a final point, Madam Chairman. We are not talking about putting a former National Football League tackle in the front row of every 747. We would find it far more effective to have a grey-haired, 48-year-old lady, with a large handbag who has some concussion grenades and a small Baretta in it.

Thank you, Madam Chairman. We hope the committee will consider the legislation, which we take seriously, as I know you do. I ask that a copy of my prepared statement be placed in the record.

Senator KASSEBAUM. Thank you very much, Senator Moynihan.

I would like to ask you one brief question before we go on. In my opening comment I said that it might be better to have this effort on the ground rather than in the air. As you point out, we have used sky marshals before and by 1970, when they were first deployed, it was believed that they were not effective. Perhaps the very fact that they were there and there was an uncertainty about how many and what they would do acted as a deterrent.

But I think that an analysis of that particular period reveals some substantial concerns about gun battles in the air. I would like you to analyze the particular incidents that did occur around that time. Some sky marshals actually made the decision to fly on with a hijacked plane to Cuba, believing that it was better than to try and apprehend the hijacker in midair. Also, do you believe that more emphasis should be placed on our efforts to stop hijackers on the ground?

Senator MOYNIHAN. The first place is on the ground, with the passengers and the baggage, and then there is this final defense barrier in the air. The point is that, as with all preventive measures, you sometimes measure their success by the fact that they are never used. Take, for example your national defense system; if you never find yourself in a war, it has obviously been effective.

And a sky marshal program that never requires anyone to ever get involved in violence onboard a plane has been a deterrent. A deterrent's success is measured by the fact that it's not employed.

One point, an important one that you raised: In the past, we have seen marshalls, mature persons, use judgment. Is this simply a crazed fellow who wants to get to Havana where the Cubans have understood they will take him off, put him in jail, and send the plane back? Fine, leave it that way.

But might I ask you, had we a person aboard that TWA 847, with two barely adult hijackers flying about for 7, 8 hours, would it not have been an altogether feasible effort to knock out one or the other before they indeed murdered an American seaman?

In that context, when you make the judgment that this is serious and going to get worse and the lives of everyone involved are in jeopardy, you make that judgment. You could also make the judgment that this is not serious and ride it out. Those are the kinds of decisions that you become a U.S. marshal to make.

Senator KASSEBAUM. Thank you very much, Senator Moynihan. I appreciate your being here.

[The statement follows:]

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM NEW YORK

Mr. Chairman, thank you for this opportunity to testify today in support of S. 1326, which I introduced last week with the cosponsorship of Senators D'Amato and Lautenberg.

Our bill would require that at least one armed and deputized United States Air Marshal be aboard all U.S. carrier and charter passenger flights departing from foreign airports that do not have adequate security programs.

At his press conference on June 18, President Reagan announced that he had "directed the Secretary of Transportation, in cooperation with the Secretary of State, to explore immediately an expansion of our armed sky marshal program aboard international flights of U.S. air carriers for better protection of passengers."

Our bill would do just that.

The in-flight hijacking of TWA Flight 847 has once again brought the issue of international terrorism to the forefront of our consciousness. We have seen it all before; unfortunately, we forget all too quickly.

Terrorism, by its nature, seeks to destroy the law. It is unlawfulness enshrined as principle—and an all too frequent occurance on the international scene. We cannot, and will not, tolerate it. We must lead the international effort to combat terrorism of all forms.

Today, we address a situation involving the favored target of the international terrorist: the international passenger flight.

Our domestic experience in the 1970's suggests that the most effective way to prevent hijacking of aircraft in the air, is an effective security program on the ground. It is always preferable to keep potential hijackers from boarding, or getting anywhere near, flights. And so I support efforts that put pressure on other governments to improve ground security at their airports.

Until we can be certain, however, that all foreign airports are secure, we must take steps to provide for the security of American citizens flying on U.S. air carriers from foreign countries.

We propose then, one such step: place unidentified, armed marshals on all regularly scheduled and public charter flights of American carriers departing from unsecure foreign airports.

The presence of marshals would be an elementary precaution that could reduce the likelihood that a hijacking will occur or succeed. The Israelis have long understood this. It will not end the obscene practice of hijacking—but it can and should reduce its probability.

The Federal Aviation Administrator—the official with the most knowledge of these matters and statutory authority over them—would have 90 days to review airport security at foreign airports and would determine which airports do not have effective security programs. The Administrator would update his findings on a regular basis.

I might also note that our legislation would direct the President to limit the operations of air carriers from any country that refused to allow these marshals aboard flights leaving from an airport in that country found to lack adequate ground security.

This would not be the first time that air marshals have been ordered aboard U.S. airliners. In September 1980, in response to numerous hijackings to Cuba and then to the Midwest, President Nixon ordered that sky marshals be placed on selected international and domestic flights of U.S. commercial carriers. At its peak, the program employed 2,500 marshals. Their numbers dropped, after elaborate airport security programs were made mandatory at U.S. airports in 1974.

Now the problem is abroad, and we should similarly place air marshals on US carrier flights leaving unsecure foreign airports. When other countries adopt adequate ground security measures—hopefully soon—then this program too can become unnecessary.

Senator KASSEBAUM. Next, I believe, in order of arrival is Senator Simon. It is a pleasure to welcome you.

STATEMENT OF HON. PAUL SIMON, U.S. SENATOR FROM ILLINOIS

Senator SIMON. Thank you very much, Senator Kassebaum and Senator Riegle.

As you know, I withdrew my amendment on the floor on the supplemental appropriation at your request, because you said you were going to have these hearings and take a good hard look at

what was happening. I think it is important that you do that and that you have some recommendation for what will be a July supplemental appropriation, that we have some concrete action at that point.

Let me simply suggest what I think that concrete action should include. It should include, number one, the doubling of the number of FAA inspectors. We now have 120 inspectors that have to cover 428 airports in the United States and hundreds of foreign airports. And I might add, this ties in with the sky marshal idea, because in fact they can be sky marshalls as they go from one airport to another.

Just one example of our deficiency right now. In Brussels we have an FAA office. We have three inspectors there. Those three inspectors cover all of Europe, Africa, the Middle East, and Southeast Asia. And anyone who thinks three inspectors can do that, you are living in a dream world.

We ought to have a doubling of the number of inspectors, move from 120 to 240, and we ought to do it right away.

Second, we ought to add $2 million to the FAA budget for training foreign nationals in the whole security area. We have a major program here that could be added and improve their security in foreign airports very, very quickly.

Third, we ought to increase the appropriation for research. One of the things that amazed me as I started digging, into this—and Senator Dixon and I have a particular interest because of the number of hostages we have had from the State of Illinois. But one of the things that amazed me as I started digging, what can we do in a solid way, not just to make speeches, not just to act like we are doing something, is to discover that the only agency of the Federal Government that is now doing research on explosives and detection of explosives is the FAA.

The Pentagon budget, for example, is over $300 billion; we do not spend a single penny on detecting explosives. And this goes beyond the airport question. We could be talking about security in this very room. The need for vapor detection in plastic explosives is something that we are close to a breakthrough on and it is something that we ought to be moving on, not only for airport security but for security of a lot of other installations, including the Capitol of the United States of America.

The FAA advises me that they could effectively use in this fiscal year another $4 million. The bill I had up the other day had $1.5 million. I do not know what the figure ought to be. Frankly, my own instinct is this is so important that if they can effectively use $4 million, I would favor using the $4 million.

And then finally, I would urge your committee to take a look at how we can coordinate. Are there some people in the Pentagon who ought to be working on this problem? One of the things I also discovered is there is no FBI office to look at the whole air security question. Should we not have at least three or four people in the FBI who are working with the FAA in this whole area, who are pulling together the kind of information that could be helpful?

It just seems to me these are the practical things that we ought to be moving on and we ought to be moving on them very, very quickly.

I would like to enter my full statement in the record, but that is basically what it has to say.

STATEMENT OF HON. PAUL SIMON, U.S. SENATOR FROM ILLINOIS

Madam Chairwoman: First, thank you for allowing me time to testify before the Subcommittee on Aviation today. I appreciate your thoughtful colloquy with me on the floor of the Senate last week, and applaud your commitment to approaching the issue of airport and airplane security in a thorough and realistic manner. These hearings today can and must be more than a superficial attempt to confront terrorism, both outside of our borders and, increasingly, within the United States.

It often takes a crisis like the hijacking of the TWA flight to focus the attention of both the public and elected officials on the need for improving the effectiveness of existing programs or for finding new solutions. Many of the original hostages were residents of Illinois. My most immediate concern is to see the safe release of all the remaining 40 hostages, as well as the seven Americans who have been held in Beirut for the past year. I know the Administration is pursing all avenues available to it to see this accomplished.

But while the negotiations continue, I have given thought, as have many of my colleagues, as to how we address the long term problem of air piracy. Twenty of the 24 members of the Illinois Congressional Delegation have joined me in contacting Secretary Shultz and Secretary Dole to urge action in this area. The discussion we are currrently involved in is a healthy one, but only if we do not sink back into complacency following a resolution of the crisis in Beirut. History has shown that, following incidents like this, there is a scurry of legislative activity, which becomes less pressing once the crisis has past.

In 1974, following a rash of hijackings involving Americans, American airports and American carriers, Congress passed the Air Piracy Act. Much of the aviation security we now have in place resulted from this legislation and much of what was in the original Act remains relevant to today's world. Rather than searching for new solutions and new methods of dealing with airport and airplane security, my hope is that we will provide the financial and personnel support to existing programs that, with our support, can provide us with state of the art technology and an air security force that comes as close to perfection as is humanly possible in guaranteeing the security of our citizens here and traveling abroad.

The Federal Aviation Administration has jurisdiction over most air security issues, both those involving US airports and those affecting foreign airports that service US carriers. From the discussions and research my staff and I have done over the past several weeks, I can only come away with great respect and admiration for the work of the Aviation Security Division at FAA. The many people we have contacted in the Washington office, in the regional offices and in the field offices are dedicated to ensuring Americans have the best security possible, even during times of budget cuts and staff lay-offs.

No federal agency or program should be exempt from fiscal scrutiny during times of high federal deficits. But, we have seen situations when we have been penny wise and pound foolish, and I firmly believe that our budget cutbacks in aviation security is one of those mistakes.

The Administration's FY86 budget request for aviation security was $3.3 million below this year's budget. As we now see, rather than cutting this office, we should be increasing the appropriations for personnel, training and research and development of security technology.

I would made the following recommendations as realistic methods for increasing our security here and abroad:

1. *Double the number of FAA airport inspectors.*—Currently, the FAA employs about 120 inspectors. These inspectors are required to inspect all US airports and all foreign airports servicing US carriers. This includes 428 airports within the US and hundreds of foreign airports. Foreign airports servicing US carriers must be inspected at least once every two years. US airports, depending upon their annual passenger load, must be inspected between one and four times a year. Even for those of us not terribly familiar with air security issues, it should be clear that we have placed an unrealistic burden on FAA inspectors.

Inspections at airports in the Far East are handled by the FAA Western Pacific Region. In addition, this Region inspects 50 US airports, 10 of which must be inspected four times a year. This region is authorized for 29; they are currently frozen at 27. Airports in Latin America and the Caribbean are handled by FAA's Southern Region. In addition, this region inspects 91 US airports, 13 of them four times a

year. The personnel authorization for the Southern Region is 37; they are now frozen at 35.

Finally, the FAA has an office in Brussels, with responsibility for airport inspections for all of Europe, Africa, and Middle East and Southeast Asia. We presently have three inspectors in Brussels. While my own is feeling that doubling FAA inspectors is only a beginning, it is a good, solid beginning.

2. *Increase the FY86 budget request by $2 million for the FAA program to train US nationals and foreign nationals in basic and advanced air security measures.*—Presently, the FAA provides training to air carrier employees and airport facility employees involved in security in both the US and in foreign countries. The FAA has minimum training standards which must be met by all those employed in airports as security personnel. While these employees are employed either by the facility or by individual air carriers, the FAA continues to provide the most comprehensive and quality security training and curricula. The FAA should have the budget to expand this program.

3. *Increase appropriations for research and development for aircraft safety by $4 million for FY85, and by $10 million for FY86 (over the $2.072 already requested by the Administration).*—We are woefully lacking in research on explosives detection technology. It is difficult to believe, but in a Pentagon budget of more than $300 billion, we are not devoting even one penny to research on detection of inert explosives. This is a field of inquiry with far more significance than federal policy and effort presently recognizes. For example, the kind of explosive apparently used in the Air India sabotage cannot be detected by mechanical devices that we rely upon in airports around the world. The FAA is the only federal agency now doing research on inert explosives. From all accounts, vapor research is almost to the point that we are on the brink of testing operational devices for detecting insert explosives carried on a person's body.

Research on explosives in cargo has proven to be 98 percent effective in lab experiments; on luggage it has proven to be 96 percent effective. Again, in this instance, we are on the verge of reaching the operational testing stage. With this additional infusion of funds, I have been told we will have operational devices ready for high-risk airports within the next two years.

4. *I would ask my colleagues to join me in urging the President to convene a meeting of those involved in international aviation to review and upgrade the International Code of Aviation Security.*—While all airports servicing U.S. carriers are required to meet the minimal standards of the International Code, it now becomes clear that these standards are not enough. Short of banning or restricting flights between the U.S. and a country with lax airport security, the U.S. has little leverage for enforcing strict security standards. A positive step towards ensuring the security of U.S. citizens traveling abroad would be a tougher internationally agreed upon set of standards. The U.S. should also review its existing bilateral airport security treaties and seriously pursue new multilateral agreements as well.

5. Finally, as we get our own house in order, it is essential that we provide the FAA's Office of Aviation Security with on-going support from other agencies involved with security and with terrorism. I was somewhat astounded to discover that the FBI does not have an office of air security; rather they respond in an ad hoc fashion to each act of air terrorism. *I would recommend that there be established in the FBI an office of Aviation Security Intelligence, working in close cooperation with the FAA, the Department of State and, where appropriate the CIA. I would also recommend that we establish in the Department of Health and Human Services an Office of Hostage Relief and Services to aid families of those individuals who have been subject to hijackings and other terroristic attacks, both here and abroad.*

Over the past few weeks we have heard people speak of the "human error" involved in air security. Obviously, even with the tightest security, tragedies are going to occur, as we have seen recently in Frankfurt and in Tokyo. Our goal, and the goal of the international community, must be to limit those errors, be they technological or human, to the greatest extent possible.

Training and employment of airport security personnel rests, for the most part, with the individual air carriers. Rather than the exception, the rule appears to be that little attention is given to making those individuals employed in security positions feel they are critical to the process of safe flying. Most of these jobs are minimum wage jobs, with few and little variation.

While Congress and the Administration are trying to confront the problem of air security, I would also urge the industry itself to look at which of their policies may act as a disincentive to vigorous enforcement of security. Again here, the short term gain of paying low wages may come back to haunt us. Are we not better served by

rewarding our security personnel through decent wages, bonusses and non-remunerative forms of recognition.

Again, Madam Chairwoman, I appreciate your letting me appear before the Subcommittee. I hope that you and other members of the Subcommittee will take my recommendations to heart and that we will see many of these changes made in next year's budget. I would welcome the opportunity to continue to work with you on my suggestions.

Senator KASSEBAUM. Thank you very, very much, Senator Simon.

I know some of you have to get on to other responsibilities. Are there any members of the committee who have come who would like to ask questions? Perhaps we could proceed with the other opening statements before we do that.

Senator EXON. Madam Chairman, could I make one statement? I am very pleased at the number of Senators who are interested in helping out on this problem. We are looking very carefully at all of your suggestions.

I want to also thank Senator Simon. I happened to be on the floor last week when he had an amendment in this regard that he agreed to withdraw rather than hold up the bill pending his coming to this committee and making testimony. Thank you, and all of the rest of you, for the bills that you have suggested.

Senator KASSEBAUM. Senator Riegle.

Senator RIEGLE. As our colleagues are excusing themselves——

Senator KASSEBAUM. Well, not everyone has testified yet. A few have to leave.

OPENING STATEMENT BY SENATOR RIEGLE

Senator RIEGLE. I just want to make a brief comment. I think that the suggestions Senator Simon has just made are very important ones, but I think this area today is vitally important for many reasons.

This past weekend, 14 people from my State of Michigan were among the 329 passengers on the Air India flight that went down off the coast of Ireland, and 8 of those 14 Michigan lives lost were children, ranging in age from 5 to 14.

In addition, of course, we still have the 39 hostages in Lebanon from TWA flight 847. And it is believed that terrorists were likely responsible for the bomb that exploded at the airport in Japan, although that is not yet certain.

What is certain is that we cannot allow acts like this to continue, and whatever steps are needed to stop it have to be taken now. And I think the Department of Transportation ought to have the authority and must have the authority to survey airports across the United States and around the world and to suspend airline flights to those airports that do not meet adequate security standards.

I think we also have to have increased surveillance at airports of baggage, carry-on luggage, and other articles. I think the number of sky marshals should also be expanded. Senator Bentsen has an amendment to the supplemental adding $2 million for this purpose. I think that ought to be done, and in fact there is a question as to whether even that will be sufficient.

But I would hope that these measures, plus others that are being offered today by my colleagues and along the lines of Senator

Simon's suggestions, I think have to be taken to the Senate floor very quickly. And I would hope that the full Commerce Committee could act on recommendations of this subcommittee on a very timely basis, so that we do not find that other lives are lost simply because of the slippage of time.

I thank the Chairman.

Senator KASSEBAUM. It is a pleasure to also welcome the chairman of the Commerce Committee, Senator Danforth. Do you have any comments?

The CHAIRMAN. Thank you, Madam Chairman. I do not.

Senator KASSEBAUM. I think Senator Dixon is next. It is a pleasure to welcome you.

STATEMENT OF HON. ALAN J. DIXON, U.S. SENATOR FROM ILLINOIS

Senator DIXON. Madam Chairman and members of the committee, I am delighted to have this opportunity to appear before you on behalf of S. 1321. I think that we can all agree that we need to act to make our airports and aircraft more secure.

And may I say, Madam Chairman, I have a prepared text that with the leave of the committee I will place in the record. My remarks will be very brief and only on the major and salient features of the bill.

I know that everybody here agrees, as my colleague from Michigan has already indicated, there have been too many hijackings already—over 194 hijackings, Madam Chairman, between 1978 and 1985. Obviously, as the distinguished senior Senator from New York pointed out in his remarks, improved security can make a difference. El Al takes tough security precautions and has never been hijacked.

I think S. 1321, cosponsored by my distinguished friend from South Carolina Senator Hollings, Senator Kasten from Wisconsin, and myself, will help a great deal. I would like to give you the summary of 1321.

First of all, S. 1321 gives the Secretary of Transportation, with the approval of the Secretary of State, the authority to restrict air travel to the United States from international airports with security problems. It also requires the Department of Transportation to periodically assess security of international airports and report on this question to the Congress.

It requires the Department of Transportation to publish a list of airports with security problems in the Federal Register and to post that list at major U.S. airports. It calls on the President to attempt to get international cooperation and agreements to reduce the risk of hijackings.

Madam Chairman, S. 1321 is drawn from a bill that was introduced by Senator Ribicoff, an antiterrorism bill that was introduced in 1978. Interestingly, that bill was reported by four Senate committees, but was never enacted. And for the information of the committee, the committees that considered that bill in 1978 were the Governmental Affairs Committee, the Foreign Relations Committee, this Committee on Commerce, Science, and Transportation, and the Intelligence Committee.

All four committees reported the bill after sequential references in a favorable manner, but at the end it died in the course of the closing days. As I understand it, it was not because there was major opposition to the bill, incidentally.

S. 1321 is very similar to the bill that passed the House last week. It was authored by our distinguished friend Congressman Mineta, the chairman of the House Aviation Subcommittee. But I might say that this is moderately different.

S. 1321 does not require a list of security deficient airports to be put on tickets. Now, I am advised that there is some opposition to that particular provision, which would cause some administrative difficulties, by a great deal of business interests in the country—airlines, travel agencies, and a variety of others.

To display a list of airports with security problems is a pretty tough step, especially where countries that depend upon tourism are involved, and I think Greece is an example. Tens of thousands of people, simply because the President indicated a travel advisory on the Athens Airport, have not gone to Greece in the last couple of weeks as a consequence of what occurred there.

Let me say in conclusion that S. 1321 does not mandate specific security steps. It does not mandate those specific security steps. It gives our security experts the authority they need to persuade authorities operating international airports to do what must be done.

And I might just say in conclusion, Madam Chairman, that I have a statement I would like to place in the record. But it is interesting to observe that since the time that this very bill was reported favorably by four committees in 1978, 194 hijackings have occurred. Now, I do not represent to this committee that they could have all been prevented by the passage of this legislation, but I do represent to this committee that with those additional security features obviously a great deal of what has happened would not have occurred.

And I would honestly solicit the favorable consideration of the committee.

[The statement follows:]

STATEMENT OF HON. ALAN DIXON, U.S. SENATOR FROM ILLINOIS

Madam Chairman, at the outset I would thank you for permitting me to appear here this morning. I want to congratulate you and the Chairman of the full Committee, Senator Danforth, for scheduling this hearing so promptly.

As the Committee meets this morning, thirty-nine innocent Americans are still being held by terrorists in Beirut. I want to believe that they will be released soon. They deserve and are entitled to be released unconditionally now.

At this time, it still is not clear how two Shi'ite gunmen armed with a pistol and hand grenades were able to board TWA flight 847 in Athens without being detected. What is crystal clear, however, is that security at the Athens airport is grossly inadequate. According to some of the press reports, the terrorists were able to pass through two passenger screening devices without being detected. At least one report stated that the detectors were triggered three times or more but that the terrorists were waived through anyway.

What is worse is that the security breakdown at the Athens Airport was not just bad luck. The security problems there have been widely known for some time. The Greek Government was informed about the security concerns on a number of occasions, but did not move aggressively to correct them. The result was the tragedy that befell TWA flight 847.

We cannot undo the hardship and terror that the passengers on that flight have been subjected to. What we can do is act to ensure that it does not happen again. The truth is that the passengers that day were not the only victims of terrorism.

Tens of thousands of Americans and other air travelers have had their sense of security and safety while flying destroyed.

And as if one tragedy were not enough, the TWA hijacking has been followed by an ugly bombing at the Frankfort airport, a bomb exploding in the baggage area of the Tokyo airport, and the disaster on the Air India flight from Canada to Bombay where over 326 people were killed—perhaps by a bomb planted aboard the plane.

It will take action on a number of fronts if we are to contain and control the growing terrorist menace exemplified by these incidents. And we need to remember, as we consider how best to respond, that these are not isolated cases. They are part of a long series of other terrorist acts, including an appalling number of previous aircraft hijackings.

Since 1931, there have been more than 750 hijackings. Well over two-thirds of that number have occurred since 1970. There were at least 34 attempted hijackings in 1983—19 of them involving U.S. carriers—and another 28 hijackings in 1984, 7 of which were directed at American-flag carriers.

Terrorism directed at air carriers and airports is not going away. It is a growing phenomenon. One that feeds on prior successes. Innocent members of the traveling public are therefore increasingly at risk.

I believe we must find a way to make those responsible for these incidents pay a price. We cannot permit them to literally get away with murder forever.

One of the best ways to handle terrorism directed at air travel, however, is to take the kind of steps that will prevent them from occurring in the first place. President Reagan has announced a series of steps to help achieve that objective, including: expanding our armed sky marshal program, consideration of perhaps boycotting Athens Airport until the security situation there improves, asking our allies to take steps to prevent future hijackings, and consideration of possibly terminating air service by foreign airlines whose governments refuse to take the steps necessary to improve their airport security. A number of Senators and Congressmen, including a number of my colleagues testifying here today, have also put forward innovative and creative responses that, if enacted, would improve security for air travelers.

I support these steps. I think they make sense and will work to reduce the risks of further incidents. The top of any list of actions we might take, however, should also include a series of measures first proposed in 1978 by Senator Ribicoff. He authored a comprehensive antiterrorist bill that year, S. 2236, a bill that was considered and approved by no less than four Senate Committees: Governmental Affairs, Foreign Relations, Commerce, Science, and Transportation, and Intelligence. My colleagues know how difficult it can be to get legislation approved by one Senate Committee. Approval by four is a powerful endorsement of the merit of his proposals.

Unfortunately, however, S. 2236 was never acted on by the full Senate during the 95th Congress. Some of the Members of this Committee were in the Senate at that time, and know much better than I why the bill was not enacted. My understanding is that the bill's failure to become a public law was not at all related to the merit of the bill's principal provisions.

Since that time, Congress seems to have put terrorism on the back burner. That was a mistake. Had we acted on S. 2236 in 1978, we might have prevented some of the 194 hijackings that occurred between then and January 1st of this year. Senator Ribicoff's proposals were sound then and they remain sound now. I believe the Senate should again consider the well thought out ideas put forward in that measure and so I introduced the Airport and Air Carrier Security Act of 1985, a bill based largely on the 1978 legislation.

My bill is not as comprehensive as the original proposal. Its focus is on improving the security of international airports and air carriers. It is similar in many respects to the legislation that has already passed the House of Representatives, authored by my distinguished colleague from California, the Chairman of the House Public Works and Transportation Aviation Subcommittee, Congressman Norman Mineta.

The bill requires the Secretary of Transportation to conduct perodic assessments of the effectiveness of security measures at foreign airports, and to include in reports to Congress a summary of such assessments. The summary would identify the airports assessed and describe any significant problems. It would also require the Secretary to describe the efforts the Department of Transportation has taken to try to alleviate any security problems uncovered.

If foreign governments failed or refused to improve security at their airports to appropriate and reasonable standards within a reasonable period, the Secretary is required to publish the name of the airports he or she considers security-deficient in the Federal Register, and prominantly post that list of airports at major U.S. airports. However, unlike the bill that recently passed the House, it does no require putting the name of security-deficient airports on the passenger's ticket.

Since at least some of the countries with security problems at their airports have major tourism industries that could be seriously damaged if Americans acted on these warnings and decided to travel elsewhere—as seems to be happending now in Greece as a result of the President's travel advisory—this step alone should provide a powerful impetus toward strengthening security. The reaction of the Greek government and the Greek tourism industry to the thousands of travel cancellations that are pouring into that country demonstrates that this kind of step has a real impact.

The bill also provides the Secretary with the authority, however, with the approval of the Secretary of State, to impose conditions on the route authority of any airline, foreign or domestic, to operate international air service from airports with security problems if those problems continue to remain uncorrected.

In addition, the bill authorizes the Department of Transportation to provide technical assistance concerning aviation security to foreign governments, including training of foreign nationals here in the United States.

The bill also urges the President to seek international agreement to improve the security of air carriers and airports. International cooperation, as well as bilateral steps, and those the U.S. can take alone, are essential if we are to minimize the likelihood of future terrorist incidents.

Finally, the bill clarifies the jurisdiction of the Federal Aviation Administration over charter airlines in the security area, and requires all existing security measures to be applied to all charter airlines, as they are now applied to scheduled carriers.

We may need to take additional steps. We may want to require American flag carriers, which as symbols of the United States, may be particularly at risk, to improve their own security measures at airports. El Al, Israel's national airline takes stringent security measures in addition to those provided by the airports where it operates. That airline, despite the fact that Israel is a major terrorist target, has never experienced a successful hijacking, which shows that security can work to ensure the safety of the traveling public.

We may also want to consider whether the Federal Aviation Administration's authority to link security issues to foreign airline operating authority here in the United States may need to be further clarified and expanded.

There is no doubt we cannot wait for the next hijacking to show us where the airport and air carrier security problems are. We need continuous review of security at international airports, and a mechanism to ensure that any security problems uncovered are rapidly corrected and shared with the public so that Americans can travel with the assurance of personal safety that they have every right to expect.

I do not contend that my bill represents the total solution to the terrorist problems, but is is a good first step in the aviation area. It will give us the authority we need to make real improvements in air carrier and airport security.

Its provisions have been extensively considered in the past. They have proven their worth. I urge the Committee, therefore, to carefully consider S.1321, and to act to protect Americans around the world by favorably reporting it to the Senate floor as quickly as possible. These provisions should have become law in 1978; we should not wait any longer to put this protection for air travelers into place.

Senator KASSEBAUM. Thank you very much.

Any questions for Senator Dixon? Senator Hollings.

Senator HOLLINGS. I will yield to Senator Riegle and these other gentlemen that have some lengthy testimony.

Senator RIEGLE. I would like to thank Senator Dixon for his initiative. I think the ideas you have laid out are important ones. I would hope that we could on a bipartisan basis within the Senate reach a judgment that we will act quickly.

As you point out, we were prepared to take this step back in the days when Senator Ribicoff was here and failed to do so. I would just hope that within a matter of 90 days we will have our program outlined and implemented, and I would hope that the early part of the 90 days. If we go beyond that, then I think we are derelict in failing to respond to the problem.

Senator KASSEBAUM. Senator Lautenberg, I think you are next.

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. Thank you, Madam Chairman and committee members.

I know particularly of your interest in aviation safety and what your views are about this problem. I am pleased to testify this morning on S. 1326, the Air Passenger Security Act of 1985, of which I am an original cosponsor. I want to thank Senator Moynihan for his leadership on the issue and to commend the Senate Commerce Committee for holding hearings so promptly.

Recent events have cast doubt about whether Americans or other passengers can travel safely on international flights; 39 innocent Americans are still being held hostage in Beirut as a result of the hijacking of TWA flight 847. Three of those people already released were from New Jersey. And we cannot forget, no matter what the release schedule is, that one hostage paid the ultimate price for terrorism—first brutally beaten and then murdered at the hands of the hijackers. 329 people died in the Boeing 747 crash, in which authorities suspect foul play. Two baggage handlers were killed and others wounded when a bomb exploded in the luggage at Narita Airport near Tokyo on Sunday—an incident which many believe may be connected to the Boeing crash.

These tragedies, so close together and so terrible, have inspired possible fears that air travel just is not safe any more. Swift action has to be taken to correct the situation. American freedom includes the right to travel free from fear, free from threat of hijacking or bombing. If any Americans are threatened by terrorism, all Americans are at risk.

New Jersey, my State, has a particularly compelling interest in assuring air travelers safe passage. Newark Airport services a growing number of international passengers each year. In 1984, over a million overseas passengers flew in and out of Newark Airport, and overseas flights to and from that airport totaled 560.

Terrorists cannot be allowed to operate with impunity. They have to be effectively deterred and made to understand that their actions will not succeed. Nations must be encouraged and required to improve their security if Americans are to continue to travel through them.

Along with other proposals before the committee, S. 1326 aims to combat terrorism and increase passenger safety in international travel. What distinguishes this proposal is that it calls for at least one U.S. air marshal on flights by American airlines leaving foreign airports that the FAA has deemed risky.

In this way, the hijackers know that they will face resistance if they attempt to hijack American planes. By raising the specter of resistance, the presence of sky marshals could help deter hijackings or certainly lessen their likelihood of success. Putting teams of sky marshals on selected high-risk flights could give potential hijackers second thoughts by raising the cost of such acts.

The Sky Marshal Program is not without controversy, as you know. Airline pilots and others fear the consequence if shootouts between sky marshals and hijackers occur thousands of feet off the ground. These are serious concerns and the proposal must be evalu-

ated with such concerns in mind. By the use of disabling techniques such as stun guns or other nonlethal devices, perhaps we can minimize such risks, but they have to be examined.

Putting sky marshals, as you heard earlier, on U.S. planes is not a new idea. They were used in the late sixties and the early seventies on domestic flights of U.S. commercial carriers in response to the hijackings to Cuba. At its peak, the program employed 2,500 sky marshals, and today they are still in use, although the FAA will not, appropriately, discuss their precise functions for security reasons.

The Israeli airline, El Al, long known for its strict and successful precautions against terrorism, uses counterterrorist personnel on its flights. And I have been on a couple of those flights, and I sat next to a rather grim-looking fellow and tried to engage in him conversation. I asked him what he does, he said, "I work." I said, "Where do you work?" He said, "All over."

I said, "Who do you work for?" He said, "I work for a company." And I began to get the idea that he was not in a conversational mode. But also, there was a very comfortable environment created by this stolid figure sitting there representing the strength and concerns that all of us have.

The Senate endorsed the idea of considering sky marshals last week by approving $2 million to put sky marshals on international flights if they are approved. The President asked the Secretaries of State and Transportation to explore the use of sky marshals to defeat terrorists.

And adding the sky marshals, Madam Chairman, is certainly not by itself the solution to the problem. Any sky marshal program that is set up has to be supplemented by beefed-up ground security measures at foreign airports and strict enforcement of existing security procedures.

Adding the sky marshals to our flights is a measure we could implement almost immediately, and that is part of its attractiveness. There is an existing pool of 150 sky marshals around and the program can be relatively easily expanded.

The American people have a right to travel freely, without fear of being taken hostage or being killed by terrorists, and we here have an obligation to do what is necessary to protect that right and to make it a reality. I know the committee will carefully review the proposals before it and I thank you all for hearing us out today.

Senator KASSEBAUM. Thank you very much, Senator Lautenberg.

My concern is utilizing the abilities and the resources that we have on the ground before the planes even leave. I believe we should focus these resources and talents on that particular problem—better security for the service areas.

It seems to me that as we look to the problem—and I think Senator Simon made some interesting suggestions regarding coordination and research with the Department of Defense and the FBI, the sky marshals could be more successfully utilized on the ground in securing service areas.

Senator HOLLINGS. Madam Chairman, thank you.

Senator Lautenberg, our former colleague, can you elaborate on the controversy between the idea that the marshals actually add to

the danger rather than the safety? In other words, I understand the pilots have grave misgivings.

Or tell us about the Israeli experience. I am rather impressed that they use them in Israel and it works.

Senator LAUTENBERG. I must tell you that everybody knows that these fellows are there, and as much as this man that I referred to would deny that he was doing that job, I mean, just the picture of strength and muscle and all of that kind of stuff——

Senator HOLLINGS. I think he recognized a Senator when he saw one.

Senator LAUTENBERG. I was not then a Senator. Now I travel only on American airlines, as you know, at risk.

But the thing that I wanted to point out to you is that by no means are any of these things exclusive. We have all watched the debate that has been going on now, the postmortems on the hostage taking. And everybody has agreed, even those in the industry, that we are just going to have to pay more, whether it is the passenger or whether it is we in Government.

The fact of the matter is that we have not paid the price for security. The world has changed from where it was 12 years ago when the sky marshal program was introduced. Terrorism is out there in full force. It is not isolated to any part of the globe. It is very well organized, a very sustaining business for those who engage in it.

So we have to up the ante, and I think the only way to do it is to include whatever programs we can. Who here would not want to spend the extra dollars to say, OK, a sky marshal in the air could be controversial, but the fact that that person is there, the fact that that strength is there, the fact that that response is there, I think is a deterrent by itself.

Perhaps they should not even carry guns. We need not talk about that here, but having sky mashals there, in addition, Madam Chairman, to appropriate routines on the ground could be very helpful. I walked through an airport the other day in Washington and noticed how casual the security was there. Maybe the cargo is not precious enough coming out of here, but the fact of the matter is that there was one person having to view all the baggage and one person having to do the inspections if the alarm went off—just not enough.

We do have to spend more money. I agree with you, the place to start is on the ground. But as a backup, I think that having the sky marshals there can make a heck of a difference. Perhaps even after the plane had landed, there was an opportunity then perhaps to do something.

Senator EXON. Madam Chairman, let us follow up on this sky marshal thing just a little bit. I think sky marshals are important, but they are only one part of the deterrence that I think we have to have.

If a hijacker suspects or has reason to believe that there is a likelihood that a sky marshal is going to be on that airplane, that complicates their planning just that much, and it is just one factor and one factor only.

I suggest that we have a different situation today than we had back in the late 1960's and 1970's. There is an interesting chart

that the United Press International put out the other day that showed in 1968 to 1972 a large number of hijacking attempts. We went to work on it. We put sky marshals on. I think that was a deterrent more than anything else. It dropped down.

I think to drive home your point of lax security today, notice how as we become lax, as we begin to take things for granted, and as we fail to recognize and realize the new techniques that hijackers are using, hijackings are now way up. They went way up in 1982 and 1983 and they are now coming up in 1985.

So I think a lot of this—some of this is a state of mind, and sky marshals certainly would add to a certain degree of security if it was assumed they were on there.

I would suggest, Madam Chairman, that before we finish—and I hope we could do it within the next 10 days—we might call a closed meeting of this committee to get a full report from all of the agencies that do investigative work, also get detailed reports from the Department of Transportation as to what new plans they have.

I think you and I know that they have instituted some plans. I believe that the Secretary of Transportation made a report to the President which was highly classified the other day. So there are some measures that we can take as a deterrent, that for obvious reasons cannot be explained in public.

I just want to say one other thing. It seems to me that if we rely too much on sky marshals we are overlooking the changing scope of the hijackers. Nowadays it is not just one or two hijackers grabbing an airplane to make a free trip for "freedom" to Cuba, as was popular in the 1960's. Now it seems to be much better organized than that. Many times there are a whole squad of hijackers in or outside the airplane.

I think we are dealing with a more complicated situation today, and therefore certainly more dangerous and it has more international implications than it had before. I hope we can discuss at this hearing, Madam Chairman, what we are going to do not just after planes get in the air, as you mentioned, but what additional measures we have to take with regard to baggage and security. And I will be interested in listening to the experts in that area as to what they suggest; what, if anything, we should do legislative-wise in that particular area.

Senator KASSEBAUM. Thank you very much.

Senator D'Amato, we welcome you.

STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM NEW YORK

Senator D'AMATO. Madam Chairman, thank you very much.

I am wondering if I might be allowed to enter my prepared remarks into the record to save the committee some time.

Senator KASSEBAUM. Yes. Thank you.

Senator D'AMATO. I would like to associate myself with the remarks of Senator Moynihan, the senior Senator from New York, who I think has rather thoughtfully crafted a bill intended to provide additional security, S. 1326, which I have cosponsored.

Having said that, there is a degree of controversy. The Pilots Association, whose representatives have visited me, expressed their

concerns relative to the sky or air marshals. They have recounted incidents and stories of the past that were rather comic and could have resulted in tragic consequences, where there was little if any coordination and maybe inadequate training with respect to some of the sky marshals who were riding on some of these planes.

They recounted to me the fact that on more than one occasion, more than one sky marshal on the plane, each not knowing who the other was, each suspecting the other of possibly being a terrorist, and coming close to what could have been rather tragic results.

And so obviously the need to have sky marshals who have the proper training becomes paramount, and we take that as a given, but that is not always the case. So just to rush to the floor with a program—and although I have endorsed and cosponsored this legislative initiative, S. 1326, it is most incumbent that the selection process, the training process, the matter of their utilization, be one done with the utmost professionalism. This is a very legitimate concern of the Pilots Association.

Obviously, I think that the chairman is absolutely correct that the basic drive must be to provide the best security, so that we know that before that airplane leaves, whether it be by way of service crews who have planted a device, secreted them in the plane where terrorists can come on and pick up either guns or bombs, et cetera, that their efforts will be minimized.

I think more importantly than using a sky marshal on a plane where the situation is not one we deem necessary, maybe it will take this country, whether it be by action of the President or the FAA Administrator, where they have made a survey and where we have not gotten the proper cooperation at various domestic and international ports. We must not allow U.S.-flag carriers there at all. We must attempt to build compacts with other countries, with other democracies who will agree to this as well, so that we put the decision on those foreign countries, on those airport facilities, that unless they meet various international standards that none of the signatories to the various international agreement, democracies in particular, will utilize those facilities.

I do not know why we cannot do that? We must do this with our NATO allies, and the Japanese, to start with. I think that there are other nations who may not have democracies as such, but still have a very real stake in preventing this kind of terrorism.

I think that this is the kind of thoughtful, prudent action or at least consideration that we must give, but certainly there must be definitive steps that we take within the near future.

New York is the great international port of entry to this country, but this is not a problem confined just to New Yorkers or to air travelers. Every American, whether he or she steps aboard a plane, whether domestic or international, has got a very vital stake, because this indeed I believe is a state of war that we have now entered in, a new kind of warfare.

And I commend the committee and the chairman for holding these hearings.

Senator KASSEBAUM. Thank you very much, Senator D'Amato.

Any questions?

Senator EXON. I just wanted to add my compliment to Senator D'Amato as being one also who is very much concerned about this.

You represent areas that have major passenger airlines going in and out, and I recognize that you come with some expertise in this area and we appreciate very much your taking the time to come over and explain how you feel about this this morning.

Senator KASSEBAUM. Senator Danforth.

The CHAIRMAN. Senator D'Amato, I want to ask you a question on public acceptability of greater security. I think anyone who spends any time riding on airplanes realizes that passengers will do almost anything to avoid checking their luggage, and so you see people—and I have been among them—going down the aisle of a plane loaded like beasts of burden, with every bag they can possibly get on board.

The airlines are now beginning to tighten up on that so that people cannot, they hope, carry so much baggage onto the plane. But the reason people do that is to avoid the extra time and delay of getting to the airport early enough to check their baggage. They also seek to avoid the seemingly endless wait at the end of the trip around the carousel, hoping that their bags will be among the lucky ones that made the trip okay.

Now, let us suppose that we face up to the concern that people are putting explosives in their bags and checking them. How much extra delay will the public tolerate? That is to say, if you now have to get there early to check your bag and the bag has to be searched in some screening operation, do you think the public will be receptive to additional delay and inconvenience?

Senator D'AMATO. Senator, I join you in saying that I, too, am one of those passengers who will go to any lengths and do oftentimes. I feel like a beast of burden when I take the shuttle back and forth from New York to Washington, because if one is required to check his luggage, his or her luggage, we may never know if we will ever see it again, and the time is inordinate, sometimes longer than the trip, to get it off the carousel.

Having said that, I believe that the extraordinary times that we live in today require that we take the necessary steps, even including, if necessary, certainly on international flights, on long distance flights, the checking of all luggage if that is deemed to be a necessary step. That at this point in time the American public will not be happy about it, but I think they are prepared to undertake that price. It is a price, it is a cost, it is time. Because I do not believe that anyone reasonably foresees a future where there will be less attempts and less incidents, but that these incidents will increase.

So consequently, I think the American public basically will accept them. They will not be happy, but they will know that that is the price that must be paid to provide better security.

The CHAIRMAN. But suppose hypothetically—and I do not know, I mean we will ask the experts this question—but let us suppose that greater security for checked baggage means that departing passengers have to arrive at least an hour before the plane leaves, even for domestic flights. Do you think the public will be receptive to that?

Senator D'AMATO. I think they would be very unhappy. Let me also suggest that maybe the airlines are going to have to do a better job at the baggage handling. I can give you, and you could recount probably numerous incidents where you have wound up in

one country or one port, and your baggage has been put on the wrong plane. We landed in Rome, and the baggage wound up in London. There were 40 other people. Finally, when someone figured out—I should not tell you this story—it was at the Roman airport, and after an hour and a half I finally said look, if there are some 40-odd pieces of luggage that say London, you know, and here we are in Rome, you must think that there are at least 40 pieces of luggage in London that say Rome, and you know, figure this out. So they can do a better job. but it will be one of those considerations and tradeoffs, and obviously there will be many people who are upset. Maybe travelers will have to begin to figure that on domestic flights they will have to get there earlier; they will have to carry less. But it is a price that we are all going to have to pay.

Terrorism, indeed, the kidnaping of an American citizen or group, will not be confined simply to the skies. I hate to suggest, but there may come the time when we find a busload of touring Americans in a certain capital that is held hostage, and we are going to have to develop techniques to deal with this with our allies as well.

The CHAIRMAN. Thank you.

Senator KASSEBAUM. Thank you very much, Senator D'Amato.

[The statement follows:]

STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM NEW YORK

Madam Chairman, I am pleased to be here to offer my remarks on the critical issue of airport security. The horrific acts of violence committed against aircraft passengers in the past two weeks have made this hearing more timely than any of us would like.

It is a sad fact that terrorism is in the air, both literally and figuratively in 1985. As we meet here today, 39 Americans from TWA flight 847 are still held captive somewhere in Beirut. The June 14 hijacking occurred after the TWA flight had left Athens airport, notorious in the aviation community for its poor security measures, en route to Rome, Italy. The ongoing hostage crisis confronts us with the bitter reality that United States citizens have no special immunity from the despicable acts of terrorists.

The month of June has been a bad one for international aviation. Two Middle East skyjackings preceded the taking of flight 847 and the American hostage crisis in Beirut was just 9 days old when another aircraft fell victim to an apparent act of terrorism. Air India Flight 182, left Montreal, Canada on June 23, carrying 329 passengers and suddenly exploded 150 miles off the coast of Ireland. No survivors have been found and it is believed that a bomb was the likely cause of the crash. On the same day in Japan, a bomb exploded in luggage taken from a Canadian Pacific aircraft after all passengers had disembarked. Two baggage handlers were killed and four others were seriously wounded.

The events of recent days cry out for responsible congressional action to improve existing airport and aircraft security programs. We must not wait for the next act of violence to strengthen our security programs and we must not be discouraged by those who believe nothing can be done to stop terrorism. I believe that it is our most basic duty to make it as tough as possible for terrorists to commit their nefarious acts. Clearly, recent events make painfully clear that we are not doing enough.

Although it may not be possible to safeguard completely all airline passengers, employees, and airport visitors from every random act of terrorism, measures can be taken to deter, halt, or diminish the effectiveness of violent acts. We can take steps to make it as difficult as possible for a bomb to the planted, a hijacking executed, or an attack on innocent victims to take place. We can make it much harder for these actions to occur or succeed. It is obvious that—in some airport, at least—more than existing security measures are needed to protect international air travelers. Airline passengers have become a prime target for misguided, violent individuals who use them as unwilling pawns in political causes with which they have no connection.

I have introduced legislation, the Air Passenger Security Act, S. 1326, with my senior state colleague, Senator Moynihan, which would require the Federal Aviation Administration to sue the air marshal program in a more effective manner. The bill requries at least one armed, unidentified U.S. air marshal to be aboard flights departing from all foreign airports which the FAA deems to lack sufficient ground security. It also would permit the FAA to use other Federal agency personnel to serve as air marshals pending the hiring and training of the requisite number of marshals.

This legislation would apply to U.S. scheduled or charter aircraft having more than sixty seats which depart from foreign unsecure airports. An important part of the bill requires the FAA to review the security programs of foreign airports within ninety days after enactment of the bill. Thirty days after completion of the review, the FAA Administrator must publish a list of secure airports in the Federal Register. This list would have to be updated at least every 180 days.

Nations that do not permit armed sky marshals to board flights at unsecure airports may be denied United State landing rights for their aircraft by the President. Such refusals would be considered a violation of the Convention for the Suppression of Unlawful Seizure of Aircraft.

The purpose of our bill is to create a deterrent effect by making known the fact that armed, unidentified sky marshals will uniformly be present on all flights from unsecure airports. Last week, the Senate voted to provide $2 million in the Supplemental Appropriations bill for the training of sky marshals. Our legislation would direct the FAA to make the most effective use of the program. Currently, the FAA Administrator deploys sky marshals on a case-by-case basis in response to a specific threat or dangerous condition.

The original sky marshal program has been cut back significantly from its initial extensive use in the early 1970's on domestic flights of U.S. carriers. It was instituted in 1970 when President Nixon announced its formation and stated, "The menace of air piracy must be met immediately and effectively." The program, which had 2,500 sky marshals at its highest point, was downscaled following enactment of the Air Transportation Security Act of 1974 which required air carriers to perform prescreening of passengers and carry-on luggage.

Watchful and meticulous prescreening of passengers and onboard baggage is a significant part of airport security. However, the effectiveness of the process depends on the attentiveness of those operating the x-ray machines and metal detectors and the reliability of the equipment. Despite the fact that TWA operated its own redundant prescreening operations at Athens airport, somehow the hijackers were able to board Flight 847 either with hand grenades and guns or with the knowledge of where those weapons had already been secreted on board.

Air marshals can provide extra surveillance and a trained eye for suspicious actions by passengers. Knowledge that sky marshals will be present might also influence individuals to reconsider commiting acts of piracy or other violence. It will be difficult to assure that all foreign airports bring their security measures up to a satisfactory level. Many foreign airports combine military with civil use and do not permit American inspectors to gain access to security sensitive areas. Until we can ensure satisfactory levels of security of U.S. scheduled or charter flights departing from these foreign airports, sky marshals will have an important function to fulfill.

I appreciate the time which the Chairman has given me this morning. Many different proposals will be discussed today to improve the security of international air travel. I hope a package of stronger aircraft and airport security measures will emerge from this hearing. I look forward to hearing the suggestions of all those who will testify at this proceeding.

Thank you, Madam Chairman.

Senator KASSEBAUM. It is a pleasure to welcome now Congressman Norman Mineta, who chairs the House Aviation Subcommittee, who recently authored legislation which has passed the House. And we very much appreciate your coming over to speak to your legislation and the bill that has passed the House of Representatives.

Congressman Mineta.

STATEMENT OF HON. NORMAN Y. MINETA, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. MINETA. Madam Chairman and members of the committee, I very much appreciate this opportunity to testify on the important and timely issue of aviation security. Your committee is to be commended for its prompt action in scheduling hearings to consider our legislation which has been introduced on this issue, including my bill, H.R. 2796, which passed the House unanimously on June 19.

Our committees have always worked well in the past together, and I am confident that we will be able to develop and pass legislation to improve the security of international air service.

The tragic events of the last few weeks have brought to the attention of the public what has been known to our Government for years: that there are indeed international airports where security is inadequate. Legislation by the U.S. Congress cannot force a foreign government to improve security at its airport, but legislation can ensure that the U.S. Government will do everything possible to encourage foreign Governments to remedy security deficiencies.

Legislation can also insure that if security remains deficient at a foreign airport, our citizens will be warned of those dangers. The administration has contended that no legislation is needed, because under existing law they already have the authority to assess security at foreign airports and warn U.S. passengers of those deficiencies.

I would agree that the legal authority presently exists, but unfortunately, our Government has not been willing to use this authority. A leading example of inadequate use of current authority has been the situation at the Athens airport. Aviation officials in our Government knew for years of the deficiencies in airport security at Athens; yet, it was not until the TWA tragedy forced its hand that a government called the situation to the public's attention. As a result of the recent travel advisory, U.S. passengers have been changing their plans to visit Athens. I suspect that this will serve as a powerful incentive for improvement in security. Even if no improvements are forthcoming, at least U.S. citizens will be able to make informed decisions about whether they wish to travel to Athens.

What will happen in the future if other foreign airports develop security problems? Can we have confidence that our Government will act firmly and promptly to try to improve the situation? Can we have confidence that our Government will warn U.S. citizens before it is too late?

Based on the experience at Athens, there is good reason to doubt that our Government will make adequate use of its powers under existing law, and I think we need legislation to force the Government's hand.

H.R. 2796, which passed the House unanimously on June 19, would ensure that our Government will be forced to take action against security problems. The bill requires the Secretary of Transportation to conduct periodic assessments of the effectiveness of security measures at foreign airports which receive international air service from the United States. The assessment will determine

whether the airport maintains and administers effective security measures. The standards will be, at a minimum, the standards developed by the International Civil Aviation Organization.

The bill further provides that when the Secretary finds that the foreign airport is not maintaining and administering adequate security measures, the Secretary must notify the foreign government of the problem and recommend steps to bring security to a proper level. If the foreign government fails to remedy the situation within 120 days, the bill requires various forms of notice to the traveling public, including notice in the Federal Register, signs at U.S. airports, and specific notice to passengers purchasing tickets for travel between the United States and the security-deficient foreign airport.

This notice is to be provided on the ticket or by written material accompanying the ticket. The bill also gives the Secretary of Transportation authority to impose conditions or revoke the operating authority of the United States or foreign air carriers providing service between the United States and a foreign airport at which security is deficient. This authority is to be exercised after consultation with the foreign government and with the approval of the Secretary of State.

Madam Chairman, I believe that the legislation that the House has passed can make an important contribution to improving security at foreign airports. Most of the ideas in the bill are not new, and similar provisions were included in comprehensive antiterrorism legislation that was reported by the House Committee on Public Works and Transportation and the Senate Commerce Committee in the 95th and the 96th Congresses.

The comprehensive legislation never passed because it included controversial provisions such as the requirement that manufacturers of explosives include taggants to facilitate identification. The Taggant Program was opposed by the National Rifle Association and other opponents of gun control, and as a result, the comprehensive legislation could not be passed. However, there was no controversy in the past over the foreign airport security provisions which are now included in H.R. 2796.

There is one provision in our bill which was not included in the earlier legislation. That is the requirement that airlines give specific notice to U.S. passengers who purchase tickets for transportation to a foreign airport at which there are security deficiencies.

In his letter of June 19 to Senator Danforth, the Air Transport Association suggests that H.R. 2796 be amended to eliminate the specific requirements for notice to all airline passengers. ATA would like notice requirements to be established through rulemaking by the Secretary of Transportation.

Frankly, I oppose this approach. It has become increasingly clear to me that the Department of Transportation has a bias against imposing any regulatory requirements on the airlines, and no matter how great the need, if we turn the security notice problem over to DOT, I doubt that we will ever get effective notice to the public.

Some airlines apparently believe that the requirement of giving passengers notice with their tickets would be a tremendous burden. On the face of it, it is hard to see why the proposed ticket notice

would be burdensome. Under current regulations the airlines provide notice on or with the ticket of a number of airline rules, including limits on the carrier's baggage liability, restrictions on refunds of the ticket price, limits on carrier liability for personal injury or death, rules about reconfirmation of reservations, and rules on overbooking and denied boarding compensation.

I do not see why it would be burdensome to also include information about foreign airports at which security is deficient. Granted, the list of deficient airports may change from time to time, but so do the fares, and the airlines seem to have no problem getting this information to travel agents and others who sell their tickets.

It has been my experience that the airlines are quick to cry wolf when we propose new regulatory requirements. However, once these requirements are imposed, the airlines use their ingenuity and find ways to comply without undue expense. A recent example was the travel agent legislation in the last Congress. For years the airlines complained that if the travel agent agreement was not given antitrust immunity, the airlines would terminate the agreement, and the travel agent system and the system of interline transportation would collapse. The airlines' complaints suddenly ended when it became apparent that legislation to preserve antitrust immunity was not going to pass. At this point the airlines turned their energies from complaining to solving the problem. They quickly found a way to structure a new agreement which enabled the travel agency and interlining systems to continue without the benefit of antitrust immunity.

I am certain that the airlines can do equally well with the much simpler problem of giving passengers notice of foreign airport security problems.

Madam Chairman, I believe that the legislation just passed by the House can make an important contribution to improving security at foreign airports. A public listing of airports with security problems will cause U.S. citizens and others to think twice about traveling there to those points. This will bring economic pressure on foreign governments to improve security programs, and even if security remains deficient, the bill will ensure that passengers can make an informed choice as to whether they wish to travel to that airport. The bill will also permit the termination of air service to insecure airports where it is necessary for the protection of our citizens.

In conclusion, I again commend you and the committee for its prompt attention to this issue. I know that we can work together to develop a good bill.

Thank you very much for the opportunity to testify, and I would be pleased to answer any questions at this point.

Senator KASSEBAUM. Thank you very much, Congressman Mineta. I appreciate your coming over, as I said, and I greatly respect your expertise in aviation matters.

I have no problem with a public listing requirement, but I would like to explore with you for just a moment the situation in Athens. If this measure were in effect, how would that situation have been affected.

It is my understanding that TWA, because it was concerned about security precautions at the Athens airport, installed their

own detecting device. Everybody on that flight did pass through a metal detector. If, for instance, assessments of security were being made, have you drawn up any guidelines as to what should be checked, how the service area should be checked? Who would you have do the inspection—the FAA, perhaps?

Mr. MINETA. First of all, in terms of the security requirements, the minimum that I call for would be the ICAO minimum standards, and under annex 17 of ICAO, they have specific recommendations on whether it's perimeter security, ramp security, passenger detection devices, security devices, cargo, whatever it might be. There are some recommendations that the ICAO standards have also. I call for that as a minimum.

The Secretary of Transportation is able to make then those lists of specifics of a template or a standard that they wished to measure against as they look at foreign airports. Also, I think in the case of Athens it may not necessarily be that the weapon got on board or weapons got on board through the jetway; so there are other factors that have to be considered in terms of security at the airport, not just what happens in the sanitized area prior to boarding of the aircraft. And so the total picture I think has to be looked at.

Now, I am not going to presume that had we had this bill enacted that that would not have occurred at Athens, but I think that the security deficiencies at the Athens airport and the past efforts of IATA, our own State Department, Airline Pilots Association—all of those efforts in the past have gone unheeded, and at least under this bill there would have been a way to leverage on that situation.

As far as the kinds of problems that have been identified, I think the first identification of problems at Athens goes back to August 1976 when the IATA team conducted a security survey at Athens. And I would be more than happy to work with you in developing a legislative history for further guidance to the Department of Transportation for these assessments of security.

Senator KASSEBAUM. Would you envision IATA doing the security checks and assessments?

Mr. MINETA. Under the bill it would require our Secretary of Transportation to make those assessments.

Senator KASSEBAUM. Through the FAA?

Mr. MINETA. That is correct. I believe that the Department of Transportation possesses the expert knowledge as it relates to airport security and to transportation-type problems, and that the expertise is there. We ought not to be creating a new bureaucracy at the Department of State to try and deal with this issue, but to delegate it to the present executive branch agency that has that expertise.

Senator KASSEBAUM. Do you see any additional benefit from coordinating this security assessment with, say, ICAO or IATA? It seems to me that it is terribly important that we share and coordinate international efforts.

Mr. MINETA. Absolutely.

Senator KASSEBAUM. Senator Exon.

Senator EXON. Norm, thanks for coming over. Just one question regarding your bill; and I believe the same provision is in the bill

that has been introduced on the Senate side by Senator Dixon and others.

If there is a suspicion by whoever is responsible that we have lax security in any airport, does not your bill require or dictate a 60-day investigative period, and would or would not that preclude the Secretary from taking any action for that length of time?

Mr. MINETA. First of all, it requires the Secretary of Transportation to make the security assessment at the foreign airport; then to notify the foreign airport, foreign authorities of the security deficiencies at that airport, and to make recommendations on how to bring those minimums up to standard. Then, it says if it does not bring the—the foreign authority does not bring the standards up to the minimum, then in 120 days the Secretary of Transportation would be required to then publish in the Federal Register and to post notices at all airports. The assessment begins right away.

Senator EXON. Is that a potential weakness of the bill? I am just exploring this. I am not trying to attack the bill, but I noticed that part of it. One of the things I think we have to do is improve our intelligence in these areas, and intelligence is tremendously important.

Let us assume that the Secretary of Transportation got intelligence information that because of lax security at airport X, Y or Z it has a potential high risk for a hijacking within the next 10 days, let us say. Under the bill that has passed the House, the Secretary would not be able to move as expeditiously as the Secretary might have to to protect the interest of Americans. What is the answer to that question?

Mr. MINETA. I do not think it prevents them from taking action for the 120 days. They can take that action. They had the legal authority right now, for instance, to suspend service so that it is not a question of delay. I think what it does is to say that these are the outside limits by which we intend that action will be taken.

As I said, the first identification of problems at Athens goes back to August 1976, and then we have had numerous groups trying to impress upon the Government of Greece the necessity for certain improvements, but that has not been done.

Senator EXON. What you are saying, then, in your view the bill would not impede more drastic action than the notification process that you set up in the bill. If it was an emergency situation, you think existing legislation that we are both familiar with would take over. You are talking maximums and not giving 60-day notice of what we are going to have to do, or 120, whatever it is? I believe it is 60 in the Senate bill.

Mr. MINETA. In the Senate bill it is. There is a two-tiered system in the Senate bill. I think it was a total of 90 days; 60 days in terms of notification and another 30 days to impose those sanctions.

Senator EXON. It seems to me that is a gray area. Maybe it is something we should not be concerned about. Do you have any concern about it?

Mr. MINETA. No. I do not see that as a concern, because I see existing law giving them the power to do that. The important thing is that they have not exercised what they already have. This says the Secretary of Transportation shall.

Senator EXON. Thank you.

Senator KASSEBAUM. Senator Hollings.

Senator HOLLINGS. Thank you, Madam Chairman.

Congressman Mineta, let me thank you for your excellent statement. Help me on the matter of the air marshals. Give me your judgment. Let us start. Does El Al use the Athens airport, Israeli airline?

Mr. MINETA. Frankly, I am not sure that they do.

Senator HOLLINGS. Logic would indicate that if they did, then even with all of that, those air marshals are very important, because as principal target, let us say, of terrorism, they have seemed to forestall it. They use these air marshals; yet the pilots or the Department of Transportation have indicated to me that that would rather than enhance safety, enhance danger, or rather increase the danger.

What is your judgment on it from your expertise? What do you think about air marshals on these planes?

Mr. MINETA. Well, first of all, I feel, as Senator Kassebaum has indicated, that what we want to do is to put the maximum effort at the preboarding piece of it.

Now, when it comes specifically to sky marshals, I think in the case of El Al it is not just a case of sky marshals being present on the airplanes that shows how effective their sky marshal program is. It really shows how effective their total program is, of which the sky marshal program is one.

They go through very extensive preboarding requirements in terms of baggage check, passenger check, everything, including body searches. And so that is, I think, a part of the total program. There is no question that they are very effective. El Al is very effective in terms of their security program. The sky marshal, I am not ready to say, is where you can pin all of the credit, but it is an effective measure.

Senator HOLLINGS. You think it is an effective measure?

Mr. MINETA. As part of the total program. But the problem is then under whose direction they are. Under present law, for instance, the Department of Transportation personnel cannot carry weapons. In order to do that, they would have to be deputized by the Department of Justice and then detailed to the Department of Transportation for service on airplanes.

I think the question really comes on under whose control they are; to what extent is the captain of the plane going to have jurisdiction over the sky marshal. We have heard in terms of requirements there is not just going to be one sky marshal per plane that is going to be required. There may be the need for a number of sky marshals. This again, from an airline perspective becomes a problem, I would imagine, from taking a fare-paying passenger's ability to board that plane. But there are, I think, a number of other issues.

Senator HOLLINGS. Well, let us do not get off on the matter of deputizing and the difficulty there. I go out to the airport. They have security at the airport. Then they could have security on the plane. Is it not the FAA out at the airport now? If I walk out there and a fellow has a gun and he is in charge of security at National, he is with FAA.

Mr. MINETA. The security people who are at the boarding gates as you go through and get your baggage checked and go through the screening are paid for by the airlines, and they provide them through either contracts——

Senator HOLLINGS. Who hires and fires them, the airline?

Mr. MINETA. At the boarding gates those are the airlines.

Senator HOLLINGS. The airlines have the authority, but the Department of Transportation does not? Is that what you are telling me now?

Mr. MINETA. I guess it is under the law that requires—where we require minimum amounts of security. How the airlines provide that security is their responsibility. Many of them do that by what is called rent-a-cops at the gates.

Senator HOLLINGS. Well, if we can give authority to the airlines, we can certainly give it to the Department of Transportation. But I am back to whether or not that really enhances it, and I am just wondering from your expertise, because I think we will be hearing from pilots—let us hold up—we will hear from the Department of Transportation that you have to get 2,000 to 3,000 air marshals, that they have to be specially trained. Where is the money? Can it come out of the traveler's fare.

But having done all of that in my mind, I am wondering whether I have enhanced the security or I have created an even greater danger. And I just wondered because the pilots resist it yet it seems to work with El Al, just what your judgment was. Would you vote for air marshals or against air marshals?

Mr. MINETA. I think at this point I would say I would not want to make it mandatory. I think even the President in his statement the other night had that as a reservation and said we ought to really study this a little more.

Senator HOLLINGS. And your hesitation on the point is because why?

Mr. MINETA. I suppose for a number of reasons. First of all would be the issue of what happens on a pressurized vessel in the air if there is a shot fired and the bullet pierces the skin of the airplane. Frankly, I am not that knowledgeable about it, but I think that has to be looked at further.

I think there are problems in terms of the numbers that would be required on the airplane to be an effective sky marshal program. I think we would have to look at probably the occupying of those seats by sky marshals versus the traveling public.

Senator HOLLINGS. Well, I thank you. I appreciate it.

Madam Chairman, perhaps we can learn from El Al who does it and uses it. Get a statement from them or about them or their criticism of it, whether they have found it valid and workable. Yet, the majority of our pilots, like you, have some misgivings about it; and I just wondered what the right judgment would be.

Thank you.

Senator KASSEBAUM. Thank you.

Senator Ford.

Senator FORD. Congressman, let me touch on a couple of points you made. You talked about intelligence and that we have known of problems at Athens since 1976, and apparently in the last few

weeks there has been increased concern by our Government, particularly through the protection of the Embassy there.

Can we sanitize as a country, which is the word you used, up to the entrance or exit from the airport proper to the airplane? Can we as a country sanitize the entire area for our American airlines that land at any international airport?

Mr. MINETA. Well, of course, we as a government cannot do that because we are on sovereign territory of another country; but I think what we have to do is to be able to leverage on that system to make sure that our airlines are maximizing their ability to provide security at that airport, as well as leveraging on the foreign authority to make sure that every opportunity is given to be able to have good security.

I think that what this does is to require that the Secretary of Transportation make those assessments, define what the deficiencies are, make the recommendations on how to correct it, and if it does not, then it has steps to go through, public notice, and then if it is not being met then, suspension, revocation, I guess you might weigh withholding or revocation or imposing of conditions on domestic U.S. carriers, as well as international carriers, that serve that security-deficient airport and U.S. ports. I do not think we can do much more in terms of a mandatory requirement. But we do go through all of the necessary steps to leverage, to make sure that security measures are imposed at those airports.

Senator FORD. How does El Al manage their total protection package at other international airports?

Mr. MINETA. Well, first of all, they have very strong requirements that they place on themselves as far as security requirements. People in the ramp area under the airplane have to be uniformed, they have to be properly identified. They are very tough on security around the airplane itself.

Senator FORD. Is that outside the airport proper?

Mr. MINETA. That is right. In their own areas.

Senator FORD. I was asking about that a minute ago, and you indicated that we could not do that.

Mr. MINETA. No; I say that the airlines themselves can impose that condition upon themselves.

Senator FORD. We could not make that a requirement?

Mr. MINETA. I think the best way we can do it is to say that these are the minimum requirements that we would like to see being imposed in terms of security assessments or security measures. And we would want them to meet that both in terms of airlines as well as the airport authority.

Senator FORD. Well, continue with the description of the sanitation by El Al.

Mr. MINETA. Well, when you think about El Al, they do have their own highly trained airport security forces, strict limits of access in terms of their own sterile areas at the airport. They do have passenger screening as well as baggage screening. Baggage, whether carryon or going into the hold, is required to be opened, and the baggage and the passenger go hand in hand. There is no way that you can check the baggage at curbside, have the bag go on the airplane and the passenger go home. That goes in concert. You also have strip searches of passengers.

I know that prior to my service here in the Congress I traveled—my wife and I traveled to Israel on El Al, and we were subjected to strip searches in 1974, so this is not a new requirement or a new approach in terms of El Al's security program.

Senator FORD. Madam Chairman, I will not take any more time. But I remember when we reacted as we normally do react—we seldom act before something happens—to the explosion near the Senate Chamber some years ago, and all the mass security. And if anybody has walked through the Capitol Building in the last few days, you cannot stir people with a stick. So we are still—people are coming in, and I do not know whether we have become lax, which is our nature, or just what. And I have been very unhappy that the Nation's Capital has to have such restrictions and such protection. I think we all have. But it is something that begins to be accepted.

How much time—and this is my last question—how much time is required if the individual comes in with his luggage and that is screened before it is placed on the airplane? How much time is the passenger required to be there before takeoff time, do you know? Do you have that figure?

Mr. MINETA. I believe El Al requires 2-hour-prior-to-departure check-in time on international flights. This becomes much more of a problem. I believe it is a 2-hour requirement.

Senator FORD. If you want to leave Washington at 4 in the afternoon, you would have to leave at 2 in the afternoon and have to be there 2 hours in advance.

Mr. MINETA. You would have to leave at 1 to be at the airport at 2.

Senator FORD. Thank you, Madam Chairman.

Senator KASSEBAUM. Thank you very much, Congressman Mineta. We appreciate your coming over.

Mr. MINETA. Thank you very much, Senator.

Senator KASSEBAUM. The next panel will consist of the Honorable Matthew Scocozza, Assistant Secretary, Office of the Assistant Secretary for Policy and International Affairs, Department of Transportation; and Mr. Billie Vincent, Director of the Office of Civil Aviation Security, Department of Transportation—in other words, the Federal Aviation Administration.

STATEMENT OF HON. MATTHEW SCOCOZZA, ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY WARREN DEAN, ASSISTANT GENERAL COUNSEL FOR INTERNATIONAL LAW; AND BILLIE H. VINCENT, DIRECTOR, OFFICE OF CIVIL AVIATION SECURITY

Mr. SCOCOZZA. Madam Chairman and members of the subcommittee, thank you for having me here today. I have also brought with me Mr. Warren Dean, who is assistant general counsel for International Law at the Department of Transportation, and Billie Vincent, who heads up the FAA's Aviation Security Office.

I welcome the opportunity to be here before the subcommittee to discuss the need for a continued strong focus on antihijacking measures throughout the world.

Madam Chairman, I have a very long statement which I will submit for the record. I have shortened it and come up with about 2½ pages which I will read.

Senator KASSEBAUM. Thank you.

Mr. SCOCOZZA. On a personal note, I would like to say this is probably one of the saddest occasions I have ever had to appear before this committee on, and I hope we can all join together and get through this.

I want to assure you that the air transportation security system developed by the United States is fundamentally sound and protects the traveling public. Domestically, our security programs have been an unparalleled success. Many of our programs and requirements serve as models for the world community. Our ability, however, to oversee a total security program as we do domestically cannot be duplicated in the international environment, nor would a large U.S. involvement be accepted by many foreign nations.

While we can require air carriers serving the United States, whether foreign or domestic, to meet FAA security requirements, we have no authority over the foreign airports themselves. This is where the difficulties arise.

Current events make it clear that additional efforts must be made to assure the safety and security of our citizens when using foreign air transportation. In this regard, shortly after the Athens hijacking, the President directed the Department of Transportation to take action on several fronts.

First, he has instructed that, in conjunction with the Department of State, we assess the feasibility of expanding our air marshal capabilities. That study is completed, and the Secretary has furnished a report to the President on its conclusions.

The President directed further that we assess the current adequacy of security provided to our citizens at foreign airports. This information was also provided to the President yesterday along with the following recommendations: The advisability of enhanced training for U.S. airline crews with special emphasis on high-risk routes; providing security coordinators onboard threatened flights; accelerating and expanding research and development of explosive detection and hijack prevention systems; and enforced carry-on baggage security calling for the physical inspection of bags. The President also asked U.S. carriers serving Athens for a voluntary reconsideration as to whether they should continue such service.

Additionally, as you may be aware, Secretary Dole is speaking this very morning at the International Civil Aviation Organization meeting in Montreal and will urge this organization, which represents 150 nations and most major air carriers, to take broad steps to improve international security.

Following our assessment of the adequacy of security at foreign airports, we will have the technical data necessary to recommend whether the Secretary should exercise her authority to suspend, with the approval of the Secretary of State, air service to any foreign airport.

This leads me to the importance of the legislative measure proposed by the Department of Transportation which is pending before you. This legislation has been introduced by request as S. 1343 by the chairman and ranking minority members of the full

committee and Aviation Subcommittee. If enacted, the proposal would strengthen our existing authority under section 1115 of the Federal Aviation Act of 1958, which relates to the suspension of air service to unsafe foreign airports. It will make clear that any suspension necessary for safety purposes may be done promptly without the need to resort to potentially time-consuming consultation procedures.

Further, the bill expands the coverage of section 1115 to expressly include U.S. air carriers and carriers of third countries, in addition to foreign air carriers of the country in question. Our legislation also complements the President's directive that we review the need for an expanded air marshal program by calling for a study by the Department of Transportation and State to be followed by our report to the Congress.

Further, the bill authorizes the appropriation from the trust fund of such amounts as may be necessary to fund an expanded air marshal program.

Finally, the bill provides DOT with the authority, subject to the approval by the Attorney General and the Secretary of State, to grant the power of arrest and the authority to carry firearms, eliminating the need to have our air marshals deputized by the U.S. Marshal Service.

We believe the measures currently being taken and those we have proposed provide an appropriate response and make the necessary tools available to better deal with the threat of air piracy and terrorism in foreign air transportation. The expeditious passage of our legislative proposal will send a message that the United States is prepared to take decisive action to deal with threats to our citizens and other persons traveling anywhere in the world.

That concludes my oral statement, Madam Chairman.

Senator KASSEBAUM. Thank you very much, Mr. Scocozza.

Mr. Vincent, do you have any comments you would like to make first before we ask some questions?

Mr. VINCENT. No; Madam Chairman, I do not at this time.

Senator KASSEBAUM. I would like to ask one question. We have touched upon a number of different issues regarding the poor security at Athens airport. Could tell me to whom the past recommendation about the Athen security situation have been made?

Mr. SCOCOZZA. We have been in consultation with the Government of Greece, and we have sent a delegation there composed of members from the Department of State, Federal Aviation Administration, and any other appropriate agencies, as well as representatives from the airline which flies there.

Our concern focused on the security measures involved in passenger check-in and their carry-on luggage, as well as some other areas.

Senator KASSEBAUM. Passenger check-in?

Mr. SCOCOZZA. Passenger check-in and carry-on luggage. Because of the inadequate steps that we saw being taken by the Greek Government in terms of passenger check-in and the check-in of carry-on luggage—but with the inadequacy being taken care of by the redundant check-in by TWA and Olympic Airways—we felt there was an atmosphere to continue to talk to the Greek Government to get the official check-in facilities up to a par where the TWA and

Olympic redundant check-ins would not be necessary. That has been a primary focus on consultations with the government of Athens.

Senator KASSEBAUM. There have never been any questions raised about the service area?

Mr. SCOCOZZA. I would like to turn that to Mr. Billie Vincent who was part of the consultation mechanism on that particular issue.

Mr. VINCENT. Madam Chairman, yes, there have been questions raised about the entire security system at Athens airport. Specifically, in February, most recently in February, when I was a part of a delegation consisting of State, the FAA, and representatives from industry, specifically Pan American and TWA, in a review of Athens airport and then following that, in rather extended meetings with the Greek officials, we covered all of those areas and the areas for needed improvement which included the ramp area which we termed the air operations area, the perimeter of the entire airport, as well as the preboard screening process.

We pointed out the deficiencies at the Athens airport in some 7 hours of discussion between our respective groups. Their group was very receptive to our suggestions, and from all indications, appeared to be cooperative in correcting the problems.

In fact, the Greek Government at that point made an announcement on changes to their organizational structure to put all of the security systems at that airport under one head, which they had not heretofore done, and agreed to provide the necessary training, supervision and management of those forces to build an effective security force.

We, on that basis, offered assistance under the antiterrorism assistance program which was enacted by the Congress in November of 1983, for anything they wanted in the way of assistance, technical training, and so on. They deferred at that point on saying when they would participate in the phase I visit to the United States to review our process.

Those discussions continued between our respective Governments up to the time of this happening on TWA 847.

I might add, in the interim the International Air Transport Association, which also has a rather extensive history in this same arena and is a credible international organization, whose views that we all respect, has made more than one survey of the Athens airport, the latest being 1980, and in 1983 made specific recommendations to the Greek Government, most of which in the February 1985 meeting the Greek Government indicated that it intended to implement. IATA was in Athens the week before the hijacking, providing training to the preboard screeners in the security force at Athens airport, and were using the U.S. training program for that purpose. As a matter of fact, one of my staff from our Washington headquarters was participating in that effort.

So, it is a long answer to a short question, but yes, there was more than just the preboard screening process involved.

Senator KASSEBAUM. We have heard comments by Congressman Mineta to the effect that El Al has done its own monitoring, taken their own safety precautions regardless of other actions by Athens or the Greek Government.

I think all of us would be somewhat interested if you have any information as to how El Al manages its own security.

Mr. VINCENT. El Al is and has one of the very best in the world. We have to recognize, however, that El Al is probably the most threatened as well. So there is almost a seige mentality there, and in those cases you have to go to extreme limits.

There are a number of people and a number of organizations, some of which target the United States as well, that always have El Al as a target. I will not go into the specifics of some of the techniques they use, which are very sophisticated and very, very indepth. That would, I think, have to wait for a closed session.

Senator KASSEBAUM. I agree.

Mr. VINCENT. It is a good system. However, you have to recognize that El Al operates at a very limited number of locations. They, like we do, operate under the courtesies of the host government. They are able to do those things only because those host governments permit them extra latitude in which to operate.

In some locations, other carriers who operate similarly to El Al in very high threatened locations have extreme difficulty in doing what El Al does, because the host country will not let them outside of the airplane. So, they do their searches or whatever they have to do at the door of the airplane. So, it is all dependent on the number of operations you have, where you operate, the level of threat which you have against your specific country, specific airline, the location in the world, and so on. There is no doubt, however, that El Al has one of the best, if not the best system, but not invincible, however.

Senator KASSEBAUM. And its extensiveness is determined by the host country?

Mr. VINCENT. If you are operating outside of your country, the question of sovereignty always comes up, even in airport inspections. For instance, we regularly survey airports, particularly those threatened airports, on a rather frequent basis. We do so because we go to those airports to inspect the U.S. carriers' security. The host government understands what we are doing. We are looking over their airport security. They allow that and welcome that because of the technical expertise we can offer them as well, not only on saying "we see this", "we see that", but frequently we can add to that, "we have these training programs that we will make available to you, we have these training aids we will make available to you." That goes not just for the country, but we have a rather extensive system of supplying such things to legitimate airlines around the world, everything from how to deal with improvised devices on board aircraft to the specific security processes.

Senator KASSEBAUM. Now, I believe Secretary Dole in her speech this morning in Montreal is making the comment that the service crews will need to be far more carefully scrutinized.

Who will do that?

Mr. VINCENT. We agree with that wholeheartedly in the Department. There are, again, your highest threat areas—and incidentally, that is in the Middle East, the Gulf States area, South Asia now, with the surging threat from the Sikh extremists and so on, although they have not targeted the U.S. aviation yet. We are

quite concerned about that potential threat and recently made a visit to South Asia. I personally was a part of that team again.

We find that we have a rather significant problem in those areas and in Europe, and we talk to our counterparts in those countries who acknowledge that problem as well. You have every conceivable ideology, individuals from a number of countries on any of those airport areas, Heathrow, Paris, Athens, anywhere that you can think of, and it is becoming an increasing concern on how you can protect even the aircraft envelope rather than just the air operations areas. As a result of the Secretary's direction to look at that area, we are tightening security in a rather substantial fashion through the airline crews.

Mr. SCOCOZZA. Madam Chairman, if I might, part of the Secretary's program regarding security of the aircraft is to enhance flight crew training and to help them appreciate more the importance of security for the plane, which they already do. Her program on certain high-risk flights, would be to have on board a safety coordinator, a designated person of the crew who has extra enhanced training to be specifically aware of all people who have access to the plane, the caterers, the maintenance people who come into the cabin, and make sure that they have the appropriate security clearances.

Senator KASSEBAUM. Security screening for all workmen, including caterers, would be done at the time of personnel hiring?

Today that is totally the responsibility of the catering company that has that contract; is that correct?

Mr. SCOCOZZA. At the present time, I understand that the individuals who have access to planes, certainly on U.S. soil, have security clearances from the individual airport authorities, but on foreign soil that may not be the case all the time, and it would be the responsibility of the on-board coordinator to make sure that the person who comes on the plane in fact has appropriate security clearances.

But I will ask Mr. Vincent to be more specific.

Mr. VINCENT. Well, first, let's go back to the host country.

We do not intend to lessen our efforts, and in fact, will accelerate them, taking advantage of this current crisis to encourage other governments to improve their security where that is appropriate on air operations areas. For most countries it is not necessary for us to say much. They are as interested in security, or even more so, than we are. They have to operate in the same environment.

But in those areas of high threat where the country in some cases has a minimal capability, we would, in addition to providing them with technical recommendations, also offer assistance under the antiterrorism assistance program to improve their security.

As far as the crew member on board the aircraft is concerned, that provides surveillance as good as anything else of the people serving the aircraft, the attention to what the catering services are doing, to make sure that they do not introduce something and secrete it in the aircraft while they are in there, cleaners and so on. And you are vulnerable always unless you do something to close that gap.

You do not want, on the other hand, to keep the pink elephants away in those locations where you do not have a problem. So all of

this has to be, I think, looked at in a rational form and evaluated from where you are operating to determine what you have to do. You take a minimum level of security in an airport but then, under our standards, we expect a much higher level for our operations where we are threatened.

Senator KASSEBAUM. Do you believe there should be an increase in FAA personnel to handle the security assessments?

Mr. VINCENT. You know, I expected that question, Madam Chairman. I would be a fool to refuse largesse offered to me, but I would have to say a couple of words on that, too. We all live in a bureaucratic process, and we are all in competition for the funding that is provided, and I realize there are other things that are needed in Government, and specifically in the FAA, in the Department of Transportation.

With that, with those remarks, I would say yes, there could be added assistance, more frequent inspections, and perhaps more important, attention in an area that you have been questioning on earlier this morning. That is the pre-board screening process and the entire security system, attention to the ground system. And one of the things that we in the FAA have made a part of our reputation in the world of civil aviation and security is our expertise and our willingness to provide that expertise to the other countries.

For that reason, we have "entre" just about anywhere in the world we want to go. We are welcomed. If we can build on that and build on that technical assistance and that training, it benefits us in being able to get into the security systems and find out what is really happening in those countries, as well as then providing the remedy to correct those deficiencies. Very much we would like to do more of that.

Senator KASSEBAUM. Thank you very much.

Senator Exon.

Senator EXON. Thank you, Madam Chairman.

Mr. Scocozza, you were here I believe when I questioned Congressman Mineta regarding the 60-day-plus period for notices and investigations, and you heard my questions with regard to whether or not that might delay action that the Secretary might have if she or the FAA had intelligence that we had a particular airport security problem.

I am sure that you studied the three bills that we are considering, S. 1343, which was introduced at the behest of the Secretary of Transportation, and I am a cosponsor of that because the Secretary of Transportation has the bottom line responsibility here, and I feel we should give the Secretary of Transportation all the tools at our disposal to be helpful.

Basically I suppose you are supporting S. 1343 over S. 1321 or S. 1326. I have not studied all of those bills as much as I intend to.

Can you tell me why you think S.1343 is a superior bill, and if so, why? Are there some provisions in S.1321 or S.1326 that you would like to see incorporated in the final bill that is reported by this subcommittee?

Mr. SCOCOZZA. Thank you, Senator. Your line of questioning with Congressman Mineta was very close to our reasoning on timeliness. Section 1115 of the Federal Aviation Act, which is already existing law, essentially today tells us that, after we make findings, we

notify a foreign government, and if they do not resolve the problems that we have brought to their attention, we can pull the certificate of their national carriers. There is no minimum time period. Right now the President, the Secretary of Transportation have the discretion to give an appropriate amount of time consistent with the kind of safety or security inadequacy we see.

When H.R. 2796, Senator Dixon's bill, and Congressman Fascell's bill all talk about time periods, 120-day notice periods, 90-day notice periods and whatever, that kind of limit is more restrictive than existing law.

Let me say as a sidelight about existing law, we believe we can stop an air carrier today if we feel there is a threat to the American passenger or the aircraft and crew, though we would have to do it through the back door. We would have to pull a carrier's operating certificate that is issued by the Federal Aviation Administration or, under our new powers inherited from the Civil Aeronautics Board, specifically section 402 permit authority, or through the security provision in a particular bilateral, we can pull another country's operating rights to the United States by saying they are not complying with U.S. laws, rules and regulations, or other standards.

The recommended change that we are making in section 1115 helps us bureaucratically. We can "slam the hammer down" much faster. I guarantee that we will stop any threat under existing law if we have to, but our proposed addition to section 1115 gives us that very clear hammer saying that, in spite of all the existing rules and regulations and other requirements of 1115, if the Secretary believes that the aircraft, the crew or the passengers are in danger, you can pull the certificate immediately. We think that is very, very important as an enhancement of existing law.

Another change in 1115 which does not exist in the other bills is that 1115 really talks about ICAO standards. We feel very comfortable about the fact that we can read into it that FAA minimum standards for safety and security must also be met, but our suggested change to 1115 says that the individual foreign country has to not only meet the ICAO standards but any other security standards we feel appropriate to take care of an individual threat that may exist in some country. In many situations we cannot even conceive of the threatened situations or circumstances which an individual country may have to resolve by a security measure. So therefore, our change to 1115 gives us the discretion to act in virtually any situation, opposing any level of threat up to the point of pulling a certificate immediately. And I think that is a very, very important point to stand out in the review of all the individual pieces of legislation.

Our bill also talks about the Federal air marshal study which is already undertaken and on the President's desk. We would be glad to work with the committee to explain how far along we are on that. That provision might have to be rethought or looked at again in view of our progress. And of course, the money provision, "such sums as are necessary" to carry out the requirement of the Federal air marshal study, has been included in our bill.

Our bill also goes to a point that Congressman Mineta was talking about, the ability for U.S. personnel, the Federal air marshals,

to make arrests and carry weapons. Our legislation would enable the Federal air marshals, with the approval of the Attorney General and the Secretary of State, to carry arms and make arrests.

Understand, we can do that today, but we have a bureaucratic process we have to go through, and we go through it as fast as possible. We have to have individual U.S. marshals deputize the people on board so they can carry the weapons and make arrests.

Senator EXON. Are you saying, Mr. Scocozza, that S. 1343 cuts the redtape?

Mr. SCOCOZZA. Yes, in many respects.

Senator EXON. Much better than the other measures that have been suggested?

Mr. SCOCOZZA. Right.

Senator EXON And you do not necessarily agree with the view that S.1321 or S.1326 would be an adjunct to and a help? You are saying that the language therein could impede rather than help the expeditious action on the part of the secretary?

Mr. SCOCOZZA. Right.

Senator EXON. You talk about high-risk areas. I suggest that with the experience that we have had with the planes leaving from Canada, we are not only talking about hijacking security, we are talking about murder. And so I think that fits into this whole situation with regard to security. We are not talking only about security in preventing hijackings but security to improve the overall safety of aircraft.

I would like to ask you, Mr. Vincent, I assume that you have been in touch with the authorities that do the screening for El-Al and you have full cooperation with them regarding some procedures that we might use.

Is there a functioning cooperation in that area because we all recognize that with their limitations of not flying to as many airports or handling as many people, they do an excellent job.

Is there good dovetailing with those people that we consider are doing an exceptional job on security?

Mr. VINCENT. Senator Exon, yes. As a matter of fact, a first-name basis all the way up to Weis, the Prime Minister's antiterrorism assistant.

Senator EXON. Would you suggest in order that we have a better understanding here, that we might have a closed hearing where you and other people could say some things in that closed hearing that it would not be wise that you say in open hearing? Would that be in order?

Mr. VINCENT. That may be productive. I could not really judge whether or not it would assist the committee. There are certainly many things that I cannot and would not say in open session, but as far as the previous question that you just asked, we in the United States have sponsored four international conferences beginning in 1979, the most recent one of April of this year, and the one in July 1982 have both drawn delegates from more than 45 countries and 350 people. Those were all either counterparts of myself or people involved in the business.

So yes, there is a rather large fraternity that does operate on a very meritorious basis in exchanging information, techniques and what we know in the way of intelligence. I might add that the

United States and one or two countries in Europe generally, however take the lead in that, and we in the United States have personally taken the lead in those conferences.

Senator EXON. Let me ask with regard to baggage, do the El Al people x ray the bags that I check as well as the bags that I carry on board the aircraft? Do they x ray all of the bags that go on an El Al flight out of New York City, for example?

Mr. VINCENT. Senator, I am afraid that would reveal too much of methods and techniques that would not be in the best interests of any of us to reveal.

Senator EXON. I respect that, and I think that is something—can you say this, what percentage of the bags that are checked through on domestic flights today, domestic flights as opposed to international flights, go through any kind of a screening?

Mr. VINCENT. On checked bags?

Senator EXON. Yes.

Mr. VINCENT. Again that is something that I would not reveal in open session.

Senator EXON. I think those are some of the things that we need to know about and get into, and I think a closed session as soon as possible would be helpful.

Senator RIEGLE. Would the Senator yield at that point, just on that point, because I am concerned about the same thing with checked bags. It seems to me that in a sense, if we were doing a 100-percent check, you would say so today. I think that is the inference that any thoughtful person draws, and people are not stupid, so they will figure that out, including terrorists who may want to take advantage of our system.

It seems to me that what we need to have is the ability to not just check hand luggage that goes on, but checked baggage as well. We are seeing this thing spread like an epidemic in such a way that it is hard to know where the high risk flights leave off and the low risk flights start, but it seems to me that we are going to have to move in the direction of having the ability to monitor and examine, and hopefully by x ray or some relatively efficient technique, every piece of baggage that goes into the hold as well.

Are we not moving in that direction? Is that not our intent, or is the feeling that—in other words, I do not think it is enough to keep everybody in the dark because I am concerned about the passenger that gets on an airline today and has the right to some knowledge as to what sort of security procedures are in effect on the plane that they are riding.

I think the traveling public has a right to the knowledge and the degree of security that they are being afforded.

Mr. VINCENT. I agree on the last point. The public should have an expectation—with maybe a slight modification, Senator—should have an expectation of a level of safety afforded to them.

Now, we should not sell ourselves, however, on just one technique. Any security system has to have a number of techniques to be effective. If you base your system on a single line of defense, you very quickly find that it has been breached by someone with the resources or the training to do so. So again, that would be a question that could be dealt with in a closed session much easier and in

greater depth on several varieties that we could handle that particular subject on.

Senator EXON. Thank you, Madam Chairman.

Senator KASSEBAUM. Senator Danforth?

The CHAIRMAN. Are you convinced that air marshals are the answer? We have had air marshals before. It is my understanding that they never made any arrests, and that in fact, in one situation on October 25, 1971, a plane with three air marshals and one FBI agent was hijacked to Cuba and rather than risk endangering the passengers by having a display of gunfire in the plane, the agents never identified themselves. Also, if air marshals are armed, does that not just provide a weapon which could perhaps be utilized by somebody who on the spur of the moment decided to pull a hijacking?

Mr. VINCENT. We have a cadre of Federal air marshals, and I want to make the distinction between Federal air marshals and the former sky marshals. That distinction, while subtle, is important, and that occurred in 1974 when we phased out the sky marshal program. The Federal air marshals are a very professional group, they are under my direction. The philosophy under which they operate, the techniques they employ, the pros and cons of the value of the force, other than in a general sense which I will address in a moment, again is a subject best not dealt with in a public arena because it reveals too much about how or in what circumstances——

The CHAIRMAN. I do not want to know that. All I want to know is whether the concept of armed, security people riding planes is a good one in your opinion.

Mr. VINCENT. There is value in a Federal air marshal force. The size of it, the specific purpose of it and so on, however, again needs to be discussed privately.

The CHAIRMAN. I do not want to ask anything that is private. It is a very general question.

Is it a good idea to have armed people riding planes, and would that truly prevent hijacking? Should armed people employed by the Government use firearms in a passenger plane which is in flight from point A to point B?

Mr. VINCENT. First and foremost, Senator Danforth, use of an armed individual on board an aircraft means that the primary system has failed, and the primary system is what we put our money in, and it has been extremely effective. Since 1973 when it went in, we know of 112 crimes, hijackings, what have you, that we prevented with that system. That is close to the number that have happened in the U.S. domestic system.

There is still, however, value in specific circumstances in a cadre of Federal air marshals, definitely. Now, whether or not you want to put an extensive system in is another question.

The CHAIRMAN. Some people have said this morning at this hearing that we should act immediately to pass legislation to post armed sky marshals on planes. Do you think this is a good idea?

Do you have a view on that, Matt?

Mr. SCOCOZZA. Senator, I would just give my own impression in terms of what I know and what I can say at this hearing this morning. I think in appropriate situations the use of Federal air

marshals with weapons on board may be justified and deployed, but it would have to be on a studied basis in terms of understanding the risks and the necessity of having someone of that caliber there.

A little longer answer to your question might encompass what Senator Kassebaum was talking about earlier, that is that we call them Federal air marshals but expand their responsibilities to include a lot of functions on the ground. We feel the primary objective is to try to keep any threat from getting into the tube of the aircraft.

The CHAIRMAN. I understand that.

I am just asking about armed people riding on planes while the planes are in flight.

Mr. SCOCOZZA. I would say that legislation that would require where an armed person would be located would probably be counterproductive to our efforts. If there was legislation that, for instance, required on all international flights there would have to be *x* number of armed people on board, I do not think that would be very productive to our total efforts. I think what we would like to do is have the flexibility to use competent people in the areas that we think they would be most effective.

The CHAIRMAN. Do you agree with that, Mr. Vincent?

Mr. VINCENT. I certainly do, Senator.

The CHAIRMAN. With respect to baggage checks, if we were to have a program of comprehensive baggage checks, what would be the added delay for check-in necessary for, say, a wide-bodied airplane?

Mr. VINCENT. If you are talking about a Kennedy or a Heathrow operation, that could be rather extensive. You have in operation out of Kennedy in the evening, a number of wide-bodied aircraft, 747's, L1011's, DC–10's, 767's and so on, and a horrendous amount of movement back and forth of people and bags. You could run into extensive delays. Hence our feeling that any employment of a technique such as that has to be done with a good deal of judgment and rationale as to the threat, the threat that you are dealing with. Certainly it is a technique that can and should be employed, but it should be selective and appropriate to the situation.

The CHAIRMAN. Would people not have to check in a long time prior to departure to get their bags checked?

Mr. VINCENT. I would say at least 2 hours, and that is probably not enough in some cases in your high-volume operations, plus it is going to take some considerable time, in some instances, to employ the people and train them, if you are going to do that in an extensive system.

Again, as in the Federal air marshal program, discretion is the best solution to that, and threat assessment as to where you need to employ those things.

Mr. SCOCOZZA. Senator, I might add, if I could, that there should not be an inference from Mr. Vincent's suggestion that if somebody is not waiting 2 hours ahead of time to get on a plane that the bag is not being x rayed. It would be a suggestion that if all of the planes had to depart and everybody were going to be checked, that kind of delay might take place.

The CHAIRMAN. Well, I am just asking about a general policy of running every bag through a machine or handchecking every bag that is checked through.

Mr. VINCENT. Senator, my response is in relation to physical search. If you are talking about physical search as the Israelis do, then you are talking about a rather considerable time.

Senator EXON. But certainly it does not take—when I go to the airport, it does not take any time, it does not waste any time to have that go through an x-ray machine. It takes more time for me to take my keys out of my pocket and go back through the—I cannot see that there is going to be any kind of delay if you x ray the bags. And you might have to pull some off that are suspicious for a physical check, but I do not see why that would be that much of a delay if you had an efficient x-ray machine that could look at those bags as they go down that carrier belt.

Mr. VINCENT. Again, we are not talking about x ray now. The x ray is in use in checked bag systems at certain locations, but again we do not want to get into that too deeply. I am responding primarily on the physical search aspect of it.

Senator EXON. Of every bag?

Mr. VINCENT. Yes.

The CHAIRMAN. All right. Well, how about passing every bag through the x-ray machine, how much time would that take, and would that be efficacious?

Mr. VINCENT. Well, again, as Mr. Scocozza notes, that is presuming it is not done now, which is not the case. It is being done in certain circumstances. There is no question. I do not know that I would add any appreciable time if you went 100 percent, but again, do we want to keep the pink elephants away? It depends on how far we want to go, where we want to go.

Senator FORD. Madam Chairman, it depends on how you got the pink elephant. Being from Kentucky, I would like for you to get it my way.

The CHAIRMAN. Let me ask you about the kind of people that operate the x-ray machine. It is my impression that these are probably not paid very well.

Do they really look at those TV screens? Do they do a pretty careful job, or if somebody wanted to carry a gun on board, could they get by undetected?

Mr. VINCENT. Well, let me speak to what the U.S. domestic system is. First let me add, on an annual basis in the U.S. domestic system, the security system's preboard screening by the air carriers pick up somewhere around 2,800 handguns a year, and there are a substantial number of arrests as a result. Generally, those people who are identified are not people with evil intent but rather, frequently people accompanying a passenger to the airport who forget they have a weapon in their purse or on their person, and frequently it is in their purse for protection.

But the domestic U.S. system is based on requiring airports to provide a secure envelope for the operations to be conducted in. Within the airport you have an air-side operation which is separated from the public side, and that is essentially the airport operator's responsibility, including the provision of law enforcement support. Then within that, the U.S. Government charges the air carri-

er with the responsibility of conducting 100 percent preboard screening for those carriers with airplanes of 60 seats or more.

Those people then that actually do the screening are generally contract screeners for the carriers, and that is on a bid basis, of course.

The CHAIRMAN. Are they competent, in your opinion, to do an adequate job?

Mr. VINCENT. Let the system itself speak for that, in its performance over the decade that it has been in effect. It is an incredible record on the performance of the system. One problem we encountered in 1980 in south Florida with the Marielitos and the hijackings back to Cuba, and again in 1983, is an indication of the success of that system. While we are concerned about the routine minimum level of security throughout the country, we have a heightened level in some areas such as south Florida, major population centers around New York, Chicago, and so on. We can exercise that system up or down very easily. As an illustration in 1983, when we had the Marielito hijackings, the system was put in a very high state of alert, and we stopped those hijackings, caught some hijackers, prosecuted them, and we are now back at a very low point in domestic hijackings.

We had five last year in the domestic United States.

The CHAIRMAN. Do you think that they are sufficiently competent?

Mr. VINCENT. I do.

The CHAIRMAN. Does El Al instruct its pilots that in the event of an attempted hijacking, that under no circumstances are they going to obey the hijacker?

Mr. VINCENT. I would not comment on that.

The CHAIRMAN. Well, would that be a good policy, and is there any way of enforcing such a policy? Is there some way that we could say to our pilots that under no circumstances are they to give in to the demands of hijackers?

Mr. VINCENT. That would be nice in theory, but use TWA 847 as an illustration. The hijackers were kicking the door down. You could lock the door——

The CHAIRMAN. What if the hijacker came in, put his gun against the head of the pilot and said take me to Beirut and the pilot said no?

Mr. VINCENT. Then the pilot might be dead very quickly.

You have to deal with those as the circumstances occur. You can make a rule, just for instance, you could say once the aircraft gets on the ground, never let it get off, and that is good in theory, but then if you have hijackers at that point who have demonstrated their willingness and intent to kill people, then you are faced with another decision. You can make the decision and not permit the aircraft to take off and deal with the situation as it is.

The CHAIRMAN. Maybe it is impractical, but it seems to me the way to deter hijackers is not just guns and air marshals but a clear policy that you are not going to give in to hijackers. Maybe it is just impossible.

Mr. VINCENT. It is a philosophy that this Government says we will not make concessions to hijackers, and we pretty well stick to

that. That does not mean that we will not negotiate and talk. That is a different matter.

The CHAIRMAN. I was just talking about the pilot and whether there is some way that the pilots can simply refuse to cooperate.

Mr. VINCENT. Let's face getting at the real source of the problem with the hijackings. Somehow, somewhere in our systems in the international arena we must find a way to deny sanctuary to hijackers. Once we have done that, then we will have a better handle on preventing hijackings. But to expect heroics in an aircraft of a Federal air marshal or a pilot when someone is holding a grenade with a pin out and having already beaten someone to death, then you have a very difficult circumstance.

The CHAIRMAN. Just one more question.

This was raised by a constituent of mine who called the office with a suggestion. When that plane was in Algiers, was there a possibility of hooking up the ventilation system to some kind of gas system that would put everybody to sleep?

Mr. VINCENT. Senator, you have me in a very difficult position. I also am very deeply involved in the operational aspects of that crisis management, and the scenario that was played out throughout that was very interesting, and I assure you that every avenue was explored.

The CHAIRMAN. I withdraw the question.

In a hypothetical case where there is an airplane that has been hijacked to a neutral airport, is it feasible to hook up the ventilation system to some gas system that would put everybody to sleep?

Mr. VINCENT. Again, Senator, I have to decline to answer that. There are many things possible.

The CHAIRMAN. OK. Thank you very much.

Thank you, Madam Chairman.

Senator KASSEBAUM. Senator Riegle, do you have any further questions?

Senator RIEGLE. Yes. Thank you, Madam Chairman.

First of all, I do not want to go through the sky marshal discussion unless it comes at the end, but I think there are other options in addition to revolvers. We now have, for example, stun guns that might be used to subdue somebody that would not mean bullets flying through a sealed cabin at 30,000 feet. So I assume that how we equip a sky marshal or an air marshal, that there is a range of options on that; and I just make that point in passing.

But I want to come back to the question of the new development that appears to have taken place here in terrorist tactics. Up until now the bulk of our experience has been with what we think of as skyjacking type incidents, but are very disturbed about the Air India crash, because this is a different kind of situation. The working assumption is that a bomb was aboard, and the plane was destroyed deliberately by someone, and then quite possibly the related bomb explosion in the Japanese airport that may have been baggage that was being cross-checked onto another Air India flight. And the fact that 14 people from Michigan lost their lives on the Air India flight brings it home in a very powerful way to me.

And my concern is this: if we are now about to experience and have perhaps, or so it appears, experienced a situation where the terrorism is not taking the form of somebody trying to capture the

plane, but instead to ticket the plane for destruction in this fashion, I do not want to see other incidents like this occur without us taking additional levels of precautions now ahead of time. And so I think on the issue of examining the baggage as it goes on the plane, I think until we are sure that we are not having a problem in this area, we have got to find a way to make sure, just as we do with carry-on baggage, that the baggage that is going into the hold is not carrying explosive devices that can blow that plane up, because we have, I think, probably seen an example of that here, and it is a vivid one.

So I feel we have got to move in that direction. Now, how that is done is another matter. But I was encouraged by your comment that if we talk about having bags go by a conveyor belt where an x ray is taken just as it is now of carry-on baggage, that we could probably put that system into place, at least on the highest areas that we thought were the highest risk. But I think eventually you have to do that everywhere if this is going to be a problem.

But would add this point, and that is that terrorist bombings are increasing all over the place. They are happening every day in this country and abroad with greater frequency, and they are happening in a sense by people who are not at the scene of the crime at the time that it is happening. We have got enough experience now to tell us that we are going to have to have a new level of safety standard and requirement on air travel that we have not perhaps had to have before because the threat did not spill over in this form into air travel this way.

It looks to me as if it is, and I do not want us to be behind the events. I would like us to get in front of the events so that we are not in here sort of picking through the wreckage again 6 months, 9 months, 12 months from now. That is my concern with respect to checked baggage.

Now, I am wondering with respect to the question of the security measures at the Athens Airport, as I read section 1115 of the Federal Aviation Act, the Secretary, as you noted earlier, of Transportation has the authority, if not satisfied that the security measures are sufficient, to take the step of denying landing rights to the aircraft from the country with whom we are dissatisfied. And I gather from your comments we have been in the midst of these discussions with the Greek Government to try to tighten up the procedures at the airport. And I have gathered from your testimony that at least the appearance was that progress was being made, that they had adopted training procedures that we had recommended and so forth; is that correct?

Mr. VINCENT. That is correct.

Senator RIEGLE. So I assume that prior to the incident with the TWA skyjacking, we were not—it was not the position of our Government or of the Secretary that she was either contemplating or was close to invoking the authority here on the basis of a belief that the security was so lax that this ought to be triggered; is that correct?

Mr. VINCENT. That is correct. In fact, the Secretary has to receive the recommendation to do it first. She never received a recommendation to invoke those sections, and because of the apparent progress with the Greek Government—which was very intensive

over the last several months involving both the State Department and the FAA.

One of the reasons, of course, that we continued to consider the operations into Athens satisfactory at this point was TWA was doing redundant screening. TWA, in addition, was doing the bag checking.

The history in Athens on explosive devices in the mid-1970's and sabotage since then is not an encouraging one. We lost a U.S. airplane in the mid-1970's because of an explosive device out of Athens. But the bad news from the sabotage standpoint is that we have been more concerned with that arena in the last 2 to 3 years than we have with the hijackings. Hijackings in the United States have generally been going to Cuba with an occasional crazy or mentally incompetent individual wanting to go somewhere else. These generally have not presented a disastrous potential to the passengers as a rule, as opposed to the resurgence in the last several months of the political hijackings in the Middle East. But prior to that and continuing is our concern about sabotage.

To that end, the FAA issued an emergency amendment in December of 1973 requiring extraordinary security measures in that area of the world, to which the U.S. carriers willingly complied. The amendment itself is modified down from the standpoint that it is being done on the part of the carriers to protect against sabotage without the compelling requirement of the Federal regulations. We are monitoring that threat very closely.

However, the TWA 847 hijacking and its continuing drama with the hostages will play on the public mind through the news media for some considerable period of time. And while the Air India disaster is as great as it is, that will probably fade much quicker out of the public mind. To use as an illustration, Gulf Air lost a 737 out of Karachi into Abu Dhabi in September of 1983. I wonder how many in this room remember that. Those of us in the industry remember it acutely, and we have all of those measures and continue to employ them in those high-threat areas to counter that sabotage. That is the good news. Let us hope we continue to be successful.

Senator RIEGLE. The thing that concerns me is I think that the bombing, the sabotage, as you say, or the bombing tactic is one that is suddenly appearing all over the place. Now the appearance that this is being adapted by people for their own purposes to air flights poses a whole new kind of problem to us, it seems to me, that we have not experienced in this way before. I think we are going to have to come up with some measures that counteract it and deal with it.

I want us to move as quickly as we can in that respect, so I am open to any suggestions, either in the administration bill or any others that come forward, as to how we get that done.

Let me just ask finally in terms of the—two things: Have we established yet how the firearms and weapons were taken aboard that TWA flight? Is that known yet?

Mr. VINCENT. Not conclusively, Senator, and we may never know conclusively. However, if you look at the circumstances, we know that the hijackers got on in Athens. If you look at the history of Athens, there is almost an invitation for the operation out of there.

The Entebbe incident began in Athens, as well as a substantial number of others.

Senator RIEGLE. But you were not at a point where you were prepared to act by revoking the landing privileges, so there obviously was a feeling up until the time that this happened that the security measures in Athens were sufficient to allow you to not invoke the sanctions. You have just stated a minute ago that there was a feeling that they were making improvements, and there was a general level, I take it, of satisfaction. There was no internal sanction being considered at the time. And you are nodding your head in the affirmative.

So I gather something happened there that breached the security system, and we do not know yet what that was exactly.

Mr. VINCENT. But to us we feel that it is obvious that it was at Athens.

Now, while the Greek Government indicated a significant willingness to work on the improvement of their security systems—and as I noted, the IATA team was in there the week before, assisted by a member of my staff, to do some training—that was all very encouraging. But from the February meeting to that time, too, the flow of messages and the exchanges between the U.S. Embassy and the Greek Government never stopped. That was constant.

In addition, in that interval there was also another significant incident that occurred, and that was the firing of the rocket-propelled grenade at the Royal Jordanian airline, as you perhaps recall.

A word, though, about your other concern. One of the areas that the Congress has funded for some time, albeit at a fairly low level, is the explosive detection research and development. We have had some recent very promising breakthroughs in that area just within the past year that we need to exploit at this point. The Secretary has announced in her recommendation to the President the intent to accelerate that research and development program. And that is to deal with specific explosive detection equipment that is not now in existence in the technology, and we need to get on with that very quickly.

We are in a position where we can do that, and that is not only in the vapor technology but in the radiation area. And I am not a technician in that area or engineer, but it is very promising.

Senator RIEGLE. I am glad to hear that.

Just finally, are you involved now, do we have any team participation in the investigation that is going on with all of the different incidents that have been mentioned today: the Air India incident, the Japan airport explosion? Do we have an on-the-ground involvement in each of those situations at the present time?

Mr. VINCENT. Yes, sir. We were invited to send—the National Transportation Safety Board, which is not the FAA, was invited to send a participant, as was the Federal Aviation Administration from the accident investigation staff. I expect before it is over that the explosives expert on my staff, who incidentally has investigated all of the major explosive incidents in aviation in the last 5 years, will be a part of that team as well.

Senator RIEGLE. Good. Thank you very much.

Senator KASSEBAUM. Senator Ford.

Senator FORD. Madam Chairman, I will try not to delay, but I think we are getting into some very good testimony here, and I want to add my voice to some others, that we have a closed meeting and have these people back so that we can talk freely and maybe not read about it in the Washington Post the next morning. But nevertheless——

Senator RIEGLE. Or the day before.

Senator FORD. Well, maybe the day before.

But I would like to add my suggestion as a member of the subcommittee that we do have a closed hearing.

Mr. Secretary, Mr. Vincent, there is something that bothers me about your testimony. I heard the words as they relate to Athens as an invitation. I think you said, Mr. Vincent, that you are welcomed in Athens and that sort of thing, but yet, they never did anything about airport security unitl after a hijacking had occurred. And in reading the Secretary's statement, on page 5 it says:

"Following our assessment of the adequacy of security at foreign airports," plural, "we will have the technical data necessary to recommend whether the Secretary should excercise her authority," which I understand he said she has now, "and recommends against any kind of timeframe in the present legislation, exercise her authority to suspend, with the approval of the Secretary of State, air service to any foreign airport."

Now, it seems a little ironic to me that we had Congressman Mineta in here this morning. He testified about all the problems we have had since 1976 with Athens. You two fine, learned gentlemen talk about this morning that Athens is an invitation to hijack; Athens is somebody that greets you and wines and dines you and bows and scrapes, and you go back and nothing happens.

I do not think under those circumstances you need any additional data. Now, it is a diplomatic question, I guess. The Secretary of State would have to approve. But somehow or other, all of this going on—and it is the focal point—Entebbe, you named all of these—why have we not exercised some diligence as it relates to saying hey, we are not going to send American citizens in there any more; we are not going to send our exchange students in there any more; we are not going to do those sorts of things because they are very vulnerable?

Now, why have you not exercised some kind of discretion under the authority that the Secretary of Transportation now has?

Mr. SCOCOZZA. Senator, I appreciate your question and the candor with which you delivered it, as I have always appreciated your candor.

Senator FORD. I do not know any other way.

Mr. SCOCOZZA. And I respect it. That was one of the reasons I abbreviated my statement, because I did not like the phrasing of that individual section which made it look like we have just started an ongoing review of all of the airports in the world.

We have and continue to have an historical record of reviewing the security situation of all the airports in the world all the time that U.S. carriers fly to or foreign carriers fly directly to the United States.

What we are doing within the last week is updating all of our information and making it absolutely current. Some of the information we have on some of the airports is days old. Some of the

information on some of the airports is 2 months old. So the situation in Athens, the situation in the other airports has to be a continuing study, an exercise we have to pursue with the Federal Aviation Administration and the Department of Transportation.

With respect to Athens, though, Senator, our review of the situation there has always led us to believe that, with the redundant systems that were in place—we were not satisfied with what the Greek Government was doing in the terminal—we felt those inadequacies were resolved by the redundant exercises by TWA and Olympic. This allowed us to continue to feel that the travelers to and from the United States and Athens should not be alarmed.

Now, within the last few days we felt that it was necessary to put a travel advisory in place, because one of our carriers, Pan American Airlines, was having a problem getting its own redundant system in place. And I do not want to put words in their mouths; they should speak for themselves. But I think one of their considerations in pulling out of Athens was that they did not feel that the passengers might be as secure without taking the same redundant measures that TWA and Olympic were taking.

I understand that the Greek Government has allowed Pan Am to bring in their redundant system, and that will probably be in place within a few days.

So the short answer, Senator, is that as we continue to watch and monitor and review Athens, we are satisfied that the inadequacies of the Greek Government system inside the building were resolved by the extra work being done by the carriers.

Senator FORD. That is a nice explanation, but as I listen to you, then why is Athens an invitation? You know, you are satisfied with the redundant work of the airlines, and that is your explanation, but then your own security people sit at this table and say that Athens is an invitation.

Now, something does not square here as relates to what you said and what he has said, Mr. Vincent. Now, if you all are getting ready to complement each other, that is a different story, but you will have to go back and erase the record because it is already on the record.

So, Mr. Vincent, do you want to square with the Assistant Secretary, or what do you want to do here?

Mr. SCOCOZZA. Before we go to Mr. Vincent, I would like to give my comments on the word "invitation." I think it was a poor choice of words, but Mr. Vincent is free to choose what he feels is appropriate.

Senator FORD. Like when you put something in the paper when you make a speech, it was facetious and the audience laughed, but the print does not smile.

Mr. SCOCOZZA. That is absolutely right.

I think, Senator, what has happened is that all of the events surrounding Athens airport has raised our sensitivities to that particular situation, recognizing that other events might take place, and it was necessary to put a travel advisory in place. Let me make up a fictitious country like "Ruratania." They may have an unfortunate intracountry security problem which may render their airport a security problem, yet it may be one of the finest airports in the world with the best detection devices and everything else. So when we

talk about problems or high-risk areas, they may actually involve countries that have some of the finest detection devices in the world.

London Heathrow may pose a threat some day, and I hope it never does. Rome's, Fumicino, Paris, JFK—it all depends on the actual situation surrounding not only the situation in the airport but around the airport.

But I will defer to Mr. Vincent.

Senator FORD. When you say in the airport and around the airport, outside the sanitized area is basically where our problem at Athens occurred; am I correct in that? You are saying yes.

Mr. SCOCOZZA. Yes.

Senator FORD. How do we get beyond the building proper in order to try to prevent storage of weapons or things of that nature on the airline? You know, that seems to be as much of a problem. The screening is typical or similar to what we have going on in the airplane here. But then when you just do that, other things transpire, and that, as I read the record and as I understand the briefings, this is where our problem transpired. I do not know how you get to that. Apparently, you have some things you do not want to talk about as it relates to sanitizing outside the building proper. That is the reason I think we ought to find out what is done outside the building proper. Yet, the word "invitation" is there. It has been said. I think it is accurate. And since for the last 10 years the problem has prevailed, and we have done nothing about it.

That does not mean that you are all at fault. Previous administrations are at fault, the same as this one.

Mr. VINCENT. Senator, one of the last comments you had made there is that we have done nothing about it. We have done something about it. We have not invoked section 1114 or 1115, but we would be remiss in our duties if we knew that Athens security was inadequate and did not take any additional countermeasures. That is not the case. We did. TWA did. Those things are not necessarily unilateral on the part of the carrier.

The system operates in a very consultative mode. We and the carriers get together, and we review those situations collectively, and decide what is necessary. Seldom do we have to bring ourselves to the point where we use the heavy hand of the regulatory aspect. I mentioned one case in December 1983 where I issued, over my signature on behalf of the Federal Aviation Administration, 2 days before Christmas, an emergency amendment to the Federal air regulations requiring certain actions in several airports in the Middle East on the part of U.S. carriers.

Now, as to whether or not "invitation" was an unfortunate choice of words, I think it was an unfortunate subject to bring up, perhaps accurate, however, in the choice of words. And Athens is not the only place in the world that this applies to.

You have countries by the very nature of the freedom that they offer people, their own citizens and others to move within their society, and we all value those freedoms of movement. But they also by their nature offer the opportunity for others to operate within an environment that does not perhaps control their activities and movements as we would like to see them.

Now, I used Athens in that sense as an invitation because there is a mix of all groups possible in the Middle East that live and operate in Athens.

Senator FORD. And work at the airport.

Mr. VINCENT. And no doubt work at the airport. But you can say the same thing at most of the major European airports, except that they are more tightly controlled.

Senator FORD. Well, that gets back to the point with tighter control. You have known it has not been there, and nothing has been done about it. You talk about the bureaucratic process. You are reluctant to exercise the bureaucratic process. Well, you are the only bureaucrat I have ever talked to who has been reluctant to exercise it, and let me tell you why.

The general public takes for granted that what they get off the shelf is safe, and what we have passed laws to do are adequate, and they can expect certain things because the law is there. You know, we take for granted what the Government does, the general public. The Federal Drug Administration, you know, what they do in relation to drugs makes the medicine we get off the counter pure, wholesome and effective, and it will do what it says on the label.

You know, so you have got to counter that responsibility of being a bureaucrat, and you have exercised that apparently reluctantly, but a life endangered is something I think is more precious than anything else. And as I understand it, the traveling public has no way to know what the problems are based on the present circumstances. The traveling public has no way to know. We do not tell them.

Now, let me ask you this question. We talked about constituents calling, and I had a call identical to that, that you stop the airplane there, press a button, everybody goes to sleep. Then they come in and take the hijackers, everybody wakes up and goes on their merry way. It was a foolproof idea. I kind of liked it. There are some folks out there thinking.

But also he said when he called me about this, you never hear of the Russians being hijacked. Well, haven't the Russians had some airplanes hijacked?

Mr. VINCENT. Yes, Senator, the Russians have. The Chinese have.

Senator FORD. Why do we not hear about the Russians?

Mr. VINCENT. It is the same as the other thing. In a closed society they do not choose to tell us because apparently they do not wish people to know. But let me go back to the gas.

Senator FORD. Well, are we going too far in the news media by publicizing this? There have been a lot of questions, and I think the news media has an opportunity, and they are trying to exercise that restraint, but they have got a story, and we believe in telling that story. We do not believe in hiding things from our constituency.

But let us answer both of those questions.

Mr. VINCENT. OK.

Senator FORD. I am talking about, then, your ability to perform your service in the position that you hold the authority.

Mr. VINCENT. OK. When I say reluctant to exercise that when that is not necessary. As a rule and almost without exception, any-

thing the FAA goes to the U.S. industry and asks them to do in the way of countermeasures posed by threats they willingly and quickly abide by. A requirement is not needed. As a rule, that is simply not needed.

Now, you can ask the industry as far as whether I am willing to exercise that bureaucratic authority. I have done that on more than one occasion in the time that I have been in this job. It is typically not necessary, and if it is not necessary, then we will not use the heavy hand. When it is necessary, we do not hesitate to do so.

You mentioned the possibility of antihijacking aids on the aircraft—gas, for instance, disabling gas. Unfortunately, in that scenario that same gas would circulate through the cockpit area. Not only would you have the cabin area people asleep or passed out, but you would have the cockpit.

Senator FORD. If the airplane is stopped and the engines have been turned off, it does not make a hell of a lot of difference, does it?

Mr. VINCENT. You have to catch them in that mode first. For instance, Algeria and now in Beirut it is not always possible to be able to get them in a sterile area where you can operate. There are many things that you can do when you do that. It is just not always possible to do so.

Senator FORD. You did not get to the media and whether that jeopardizes your ability to perform.

Mr. VINCENT. The media, I will take that and then ask you for a clarification on the remainder of the question. This is purely a personal opinion.

Senator FORD. It does not reflect the view of the department?

Mr. VINCENT. Well, it is supported by a substantial amount of theoretical data by the "terrorist experts," and that is, if you did not have the media playing in the scenario, that you would not have the terrorist incidents. If something happened and it did not get publicized, what are you going to do about it?

They are playing to an audience. Any terrorist incident plays to an audience, and the media contribute to that. Now, whether the media and the free press in the western world should be restrained from doing that by a government or whether they should restrain themselves I will leave to the debate within the media.

If you refer to the TWA 847 incident, you can see within the media now arguments, discussions about whether or not they are contributing, pro or con. I personally have a feeling that with less publicity on a particular thing, we would have less of a problem, and I think that is evident.

May I ask you, Senator, to clarify the other question?

Senator FORD. I think you have answered them. The thing I like about the press is that they are debating that themselves in their own peer group. I think under our system they are going to make a judgment of what is in the best interest of the safety of the American people; and I compliment them for that. I think that this is beginning to grate on some just a little bit, if I can use a Kentucky term, and I believe that they are going to come up with some kind of a judgment, whether it is pool reporting or what. But I have a great deal of faith in the news media and the free press as they are

beginning to debate what their responsibilities are as it relates to safety. They have got a heck of a problem where it is a story, and it needs to be told. You know, a lot of people are risking their lives bringing that story to us, so I think it is good.

Let me go back to one other thing, Madam Chairman, is that every bag, every box, every individual is screened coming into this building or the Capitol Building. It does not seem to hold them back too long that every purse is checked, every box is opened, all of that is done in this building. I wonder how much that would slow down the so-called sabotage situation as it relates to bags. I know there would be more baggage probably, but I still think that what we do in this building is routine. It is irritating to someone who comes in every morning. You know, you see me every morning; yet, I have to open my purse and you have to look into it. And I think it can be done, even though it would be somewhat distasteful. It is a lot better than losing lives.

Thank you.

Senator KASSEBAUM. Thank you very much. We appreciate your testimony.

I would just like to say we are going to go to the 10-minute rule for the rest of the hearing. Nothing against you, Senator Ford, but we are taking a very long time with this very interesting testimony. But, as Senator Exon said, he was going to miss his 5 o'clock flight if we did not move along.

Senator FORD. Tell him to take a later flight.

Senator KASSEBAUM. Thank you. I think some very interesting issues were raised. We appreciate your testimony.

Mr. SCOCOZZA. Thank you for inviting us.

[The statement follows:]

STATEMENT OF HON. MATT SCOCOZZA, ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DOT

Mr. Chairman and Members of the Subcommittee: I welcome the opportunity to appear before the Subcommittee to discuss the need for a continued strong focus on antihijacking measures throughout the world.

All of us deplore the tragic hijacking which occupies our attention today. This type of barbaric behavior must be ended. We can, I'm sure, agree on that. In a moment I will briefly outline the steps we are taking to improve our ability to deter air piracy in foreign air transportation. First, however, I want to assure you that the air transportation security system developed by the United States is fundamentally sound and protects the traveling public. Let me elaborate on that point for a moment.

During the late 1960's and early 1970's, our nation experienced a surge of aircraft hijackings. In fact, air piracy was a worldwide problem. The United States instituted a massive "sky marshall" program designed to provide a meaningful deterrent. Subsequently, sophisticated air carrier and airport security programs were instituted including passenger screening requirements. Those requirements have proven tremendously effective. For the past 11 years, almost 6 billion persons and more than 7.4 billion pieces of carry-on baggage have been screened. This has resulted in the detection of over 31,000 firearms, and almost 13,000 related arrests have been made. In the process, at least 112 hijackings or related crimes have been prevented.

Domestically, our security programs have been an unparalleled success. Many of our programs and requirements serve as models for the world community. Our ability, however, to oversee a total security program, as we do domestically, cannot be duplicated in the international environment, nor would this extent of U.S. involvement be accepted by many foreign nations. We can require air carriers serving the United States—whether foreign or domestic—to meet FAA security requirements. We have no authority over the foreign airports themselves. This is where the difficulties arise. There is a wide disparity in the attitudes and degrees of responsibility

shown by different countries in their administration of airport security. There is also a different level of threat associated with different geographic regions of the world. Consequently, what represents good security in a low threat region may be inadequate where the threat is greater.

We are working closely with the Department of State in its anti-terrorist assistance program to provide training and technical assistance to other governments in their efforts to improve aviation security. We have found most foreign governments cooperative and genuinely concerned for the safety of all passengers.

Unfortunately, the expertise has not been universal. Security conditions at the Athens Airport, where the current hijacking had its genesis, have troubled us and other nations for some time. FAA and State Department officials met on a number of occasions with Greek officials regarding the need to improve security at Athens, particularly due to its location in a high threat region. We and others were generally unsuccessful in achieving those improvements at Athens; hence, there was a need for TWA to perform redundant screening at this facility.

As an outgrowth of a meeting between State and FAA officials with their Greek counterparts last February, it appeared that some of the security problems might be resolved. Unfortunately, the Greek government, while agreeing in principle, did not move quickly to implement improvements. We have been in contact with the Greek government since the hijacking and the Greek government has now made the commitment to take steps to improve airport security.

Current events make it clear that additional efforts must be made to assure the safety of our citizens when using foreign air transportation. In this regard, shortly after the Athens hijacking, the President directed the Department of Transportation to take action on several fronts. First, he has instructed that, in conjunction with the Department of State, we assess the feasibility of expanding our air marshal capabilities. That study is completed and the Secretary has furnished a report to the President on its conclusions. The President directed further that we assess the current adequacy of security provided to our citizens at foreign airports. This information was also provided to the President yesterday along with recommendations on:

The advisability of enhanced training for U.S. airline crews, with special emphasis on high-risk routes; Providing security coordinators on-board threatened flights;

Accelerating and expanding research and development of explosive detection and hijack prevention systems; and

Enforced carry-on baggage security, calling for the physical inspection of bags.

I would note that we already have substantial information on international security based on our normal oversight in this area. That information is now being updated and supplemented through this current review.

The President also asked U.S. carriers serving Athens for a voluntary reconsideration as to whether they should continue such service. Additionally, as you may be aware, Secretary Dole is speaking this morning at the International Civil Aviation Organization meeting in Montreal and will urge this organization—which represents 150 nations and most major air carriers—to take broad steps to improve international security.

Following our assessment of the adequacy of security at foreign airports, we will have the technical data necessary to recommend whether the Secretary should exercise her authority to suspend—with the approval of the Secretary of State—air service to any foreign airport.

This leads me to the importance of the legislative measure proposed by the Department of Transportation which is pending before you. This legislation has been introduced by request as S. 1343 by the chairmen and ranking members of the full committee and the aviation subcommittee. If enacted, the proposal would strengthen our existing authority under section 1115 of the Federal Aviation Act of 1958 which relates to the suspension of air service to unsafe foreign airports. It will make clear that any suspension necessary for safety purposes may be done promptly without the need to resort to potentially time-consuming consultation procedures. Further, the bill expands the coverage of section 1115 to expressly include U.S. air carriers and carriers of third countries in addition to foreign air carriers of the country in question.

Our legislation also complements the President's directive that we review the need for an expanded air marshal program by calling for a study by the Departments of Transportation and State to be followed by a report to the Congress. Further, the bill authorizes the appropriation from the Trust Fund of such amounts as may be necessary to fund an expanded air marshal program. Finally, the bill provides DOT with the authority, subject to approval by the Attorney General and the Secretary of State, to grant the power of arrest and the authority to carry firearms,

eliminating the need to have our air marshals deputized by the United States Marshals Service.

We believe the measures currently being taken and those we have proposed provide an appropriate response and make the necessary tools available to better deal with the threat of air piracy and terrorism in foreign air transportation. The expeditious passage of our legislative proposal will send a message that the United States is prepared to take decisive action to deal with threats to our citizens and other persons traveling anywhere in the world.

Before closing, I want to mention that the cooperation and support we have received, and continue to receive, from all facets of government has been tremendous. Not only have other Federal agencies offered to provide whatever assistance we may find useful, but there has been an outpouring of support and offers of assistance from the Congress as well. I assure you that we appreciate the support you have provided, and we look forward to working with you on this most pressing issue.

That completes my prepared statement. We would be pleased to respond to any questions you may have at this time.

Senator KASSEBAUM. The next panel is Mr. Thomas Ashwood, first vice president, Air Line Pilots Association; and Ms. Karen Lantz, vice president, International Federation of Flight Attendants.

It is a pleasure to welcome you to the panel. I understand, Mr. Ashwood, you have a press conference at some point and would like to testify and be able to leave shortly thereafter.

Mr. ASHWOOD. Thank you, Madam Chairman, if that is possible.

Senator KASSEBAUM. Thank you. Go ahead. We appreciate your being here.

If you could wait just a minute until the room will come to order, please.

Thank you. Mr. Ashwood.

STATEMENTS OF THOMAS M. ASHWOOD, FIRST VICE PRESIDENT, AIR LINE PILOTS ASSOCIATION; AND KAREN LANTZ, VICE PRESIDENT, INTERNATIONAL FEDERATION OF FLIGHT ATTENDANTS

Mr. ASHWOOD. Thank you, Madam Chairman, and thank you for this opportunity of speaking before you. I do not have a prepared statement, you doubtless will be relieved to hear. This is because we have been busy addressing the problem since it has occurred. And I would also, parenthetically, add that as Captain Testrate was getting his 727 hijacked, the entire TWA airline was being hijacked by Mr. Frank Lorenzo of Texas Air Corps.

Senator KASSEBAUM. Do I detect a bit of ALPA coming out in that comment?

Mr. ASHWOOD. I believe it is called demagoguery, ma'am.

I would like to address this as a serious subject, and obviously it is. And we are particularly concerned with the attention that is being focused primarily on the hijack. One of the members of the committee did reference the fact that there had been very little attention paid to sabotage. And what we would like to emphasize at this particular point is that the paradox that we are often trapped in is that as you become successful in preventing hijackings, your chances of sabotage increase proportionately, because if you prevent them from taking your aircraft, they will attempt to destroy them. And I think that is an important point that should not be lost in whatever legislation comes out; that it also embraces the subject of sabotage in civil aviation.

The sky marshal program has attracted a lot of attention both from both Houses, the media and the general public. And as was stated earlier in previous testimony, the Air Line Pilots Association and our members indeed are vehemently opposed to any expansion of the current marshal program, and especially for the introduction of a sky marshal program.

I will address some of the comments that were made about El Al. It is an airline I am very familiar with. In fact, I just recently returned from the Middle East and went through some security involving El Al. El Al is a particular anomaly in our system. It is a small airline. It is indeed a formal extension of the Israeli air force. It is from a country that is a nation at war, has been at war effectively since 1948. They are dealing with a largely Israeli passenger group that are accustomed to being targets. Indeed, they have a 2,000-year history, unfortunately, of knowing that they are targets.

The passengers that fly on El Al who are not Israelis also expect to a certain degree the inconvenience and the difficulty of passing through their security systems. The type of systems that they have introduced, which Mr. Vincent properly would not address in an open forum, and I will not either, although I am familiar with them, are systems that are not transferrable to U.S. carriers. They just do not suit or fit the type of operation that we have in the United States because of a number of reasons: The size of our operation, the number of airports that we fly into, the psychology of the passengers that fly on our airlines, the pilots themselves. All these factors do not allow this very, very good, admittedly good system that the Israelis have to be transferred under our carriers—TWA, Pan American, Northwest, all the other carriers that fly overseas. And I cannot emphasize this strongly enough, that it is my belief that had TWA 847 had an armed sky marshal on board, one of two scenarios would have played out. One, he would have been foolish and attempted to prevent the hijack from taking place. There would have been gunfire at altitude, because there were automatic weapons introduced on board that aircraft, and whatever weapon he was carrying, whatever weapon load he would have would be insufficient firing power against what he was up against.

Second, had he been sensible and just sat there, he ultimately would have been discovered. And I can speculate that he probably would have been the first victim of the hijackers to be thrown out of the aircraft door at Beiruit.

We are opposed to sky marshals. We are opposed to guns on our airplanes, whether they are good guns or bad guns, because the bullet that gets fired and smashes into our avionics system or some other delicate, vital part of the aircraft, it does not matter to us which gun it came from. The fact that it has destroyed our ability to fly the airplane is the important thing.

I will address some of the specific parts of the bill. In connection with performance of air transportation security duties carry firearms and make arrests without warrant for any offense. I think that needs a lot of examination by international lawyers, which I am not, because I am not sure what authority extends beyond the 25- or the 3-mile limit-around the United States.

I know in the past in domestic hijackings we have had a tremendous legal problem in the courts in subsequent cases as to who had

jurisdiction over which State, which State had jurisdiction. Was it the State where the hijacking commenced or ended or where it passed over? These are questions which I do not think has been adequately addressed in this particular document.

As far as weapons are concerned overseas, I know a number of countries, including Great Britain, which will not allow weapons to come into their country, even authorized weapons by the Secret Service, this type of thing. They are very concerned about having weapons introduced. Where are they stored at airports? There are a lot of practical problems involved in having an armed sky marshal program.

One of the things we can do which is very positive in terms of the bilateral aviation agreements that we have between the United States and other countries, we would like to see as a standard matter of form boilerplate language introduced and included in all of those bilateral agreements that insists that both of us, the United States and the partner we are making the bilateral with, agrees to abide by certain security standards, and that the whole bilateral would drop dead if there was a violation of those standards. This is a doable thing. I think the State Department are capable of doing this, and I am just a little upset that they have not even tried up until this particular point on an overall basis.

I would like, if practical, for us to go back and reopen existing bilaterals and see if we cannot introduce language into those bilaterals whereby we agree with our partners in aviation that they will maintain or we will maintain adequate security level at our airports.

One of the most invaluable tools against hijacking and terrorism and sabotage is something else that the Israelis enjoy, because pound by pound they have probably one of the finest intelligence services in the world, and that is intelligence. We need better intelligence than we are currently getting. We need a great deal more cooperation between the various intelligence services—a problem that does not seem to exist in Israel according to my observation. They do tend to share the information amongst themselves, something that does not happen here.

We need more money, not a great deal of money. Security itself is an intangible. If I had the defense budget, for example, if I did not buy too many hammers or lavatory seats, I could guarantee the security of every civil aviation aircraft in the world, but obviously we are not in a position to spend those amounts of money.

What we are talking about here is something we can get our arms around, something on the order of $20 million per year over and above the current $10 million that is being spent. We need money for expanded domestic operations. We need money to expand our foreign assistance program, which is mandated by Congress, incidentally. We need money for research and development in explosives detection.

I think we heard Mr. Vincent testify just a little bit ago that we are getting close to a breakthrough, and the only thing that is holding us back right now is the finances to perform the necessary function, the necessary research and the necessary development.

We are probably within a year of finding some device which will detect the presence of explosives in packages, and you could well

visualize what that would mean in terms of scanning the hundreds of thousands of bags that flow through our system on a daily basis, because to attempt to do it by hand—and we have experimented with this—it boggles the mind.

You already know our airports are jammed. We are about pushing on the outside edges of the envelope that we exist in right now. On an average flight that is 100-percent checked takes 3½ hours to board, which would be impossible under our present scheduling and our present system. And we are practical people. We recognize the fact that there will always be a dichotomy between perfect security and the commercial reason for having an air transportation system. And we have to find some compromise in the middle that addresses the major concerns of both those areas.

Our foreign policy, that is another area where we could help our security. Diplomacy, international agreements. There are currently three protocols—The Hague, Montreal, and Tokyo conventions—which address the question of air piracy, but none of them, not one of them contains a single element that requires conformity to them. Not one of them has conformity required to them.

The Bonn agreement, I believe that some 14 nations have signed on to that now. There have been several attempts to invoke it. It just does not work because nations will not live up to the grand promises they make when they sign these agreements. Maybe we should look at what we are doing internationally in that particular regard.

But what I do fear most of all is that we will overreact. If we take our open society and we close it, then the terrorists have won; they have accomplished their goals. So whatever we do, we should do it very cautiously, and we should not do it in a hurry.

Aviation is but one of the elements that we are facing right now, and as we close down the targets in aviation we must be ready for it to occur elsewhere on trains, buses, cruise ships. We have in fairly recent history a cruise ship that was hijacked. I believe that was back in the days of Salazar, who was Premier of Portugal, probably about 25 years ago.

But one of our most powerful weapons against it I suggest are economic sanctions. We hear the cries about, you know, nuke them 'til they glow, but I prefer that we embargo them until they go bankrupt. And this is where the State Department has been very timid in its approach toward the host nations of terrorism and the people that accept them.

With that, Madam Chairwoman, I will conclude my remarks and ask you if you have any questions.

Senator KASSEBAUM. Thank you, Mr. Ashwood. I know you have to leave. I will be brief. I have just one question.

You have indicated that perhaps we have been too timid regarding economic sanctions and the possibility of renegotiating our bilateral agreements. Do you think that we have been too timid to use the existing authority that we have?

And, we have just heard testimony that the Secretary of Transportation can revoke certification, and we know that there has been some concern, I think going back to 1980, that the Athens airport was not following the ICAO standards of security. It was not

just a question of redundant systems. There were other aspects of the ICAO security guidelines that were not being met.

Should we have revoked the Athens certification at that point to show that the problem should be more forcefully addressed?

Mr. ASHWOOD. We should have made a first step of warning the Greek Government that we were planning to do this, that we were fixing to do it, and we should have given them a specific period of time in which to correct, to clean up their act, as it were.

The difficulty does not lie so much in that particular area. On any given day, you can have bad security or good security at an airport. It depends upon the human factor, the crew that is on that day, the supervisor, whoever is in charge.

So I could run you through all the airports in the world and then come back the next day and you will see a difference in the security level that exists there. But it is really a question of the will of the authority that is running the airport or the Government that is running the airport, as to whether they plan to provide it or not.

Now, over a period of time a pattern will develop and you can ascertain indeed that they are not willing to do the job properly, and Athens is one of those cases. I believe perhaps we should have made threats earlier, but part of the difficulty exists in the fact that we have a very small force to keep tabs on such situations.

I mentioned earlier that we have the FAA Security Division, and my association is not in the habit of finding things to say about the FAA which are pleasant. This is an exception. It is an exceptionally fine subdivision within our Government. They are fine public servants, but they are very small in number, they have very limited resources.

You are talking about a $10 million budget and they are covering 550-odd airports in the United States, a foreign assistance program, R&D on explosive detection. And I would suggest to you—and obviously you know about these things much better than I do—that $10 million does not buy you very much in the world today.

They do need extra money, they need extra personnel. And I believe that if they are provided with that—and I am talking about in terms of $20 million a year to perform those additional functions—I believe that our security can be enhanced by an enormous amount.

The sky marshal program is going to cost, I do not know, hundreds of millions of dollars, I think, before it is over with, if it ever gets started. I ask you, please, if you are going to spend even one-tenth of that money, to spend it in an area where we get much more back for it.

Senator KASSEBAUM. I really do not know if it is wise to get into this too far, but there are some other airports standards of safety are be very questionable. And, if they are not presently meeting the ICAO standards, which are not beyond the ability of every airport to reach, should certification be revoked?

Mr. ASHWOOD. Yes, madam. And in fact, if it is not I think you will find the pilots of the world will react if the governments will not, as we did in Moscow after Korean 007.

Senator KASSEBAUM. Thank you very much.

Senator EXON. Thank you, Mr. Ashwood. Just two questions.

First, do you think that there is any benefit—I understand the pilots' bjection to air marshals. I share that to a great extent. Certainly it would be better if we never had any guns of any kind, hand grenades or bombs on aircraft.

Do you not think that, though, there is some deterrent value in the threat of an air marshal, a sky marshal being on an airplane, if a planned hijacking were to take place? In other words, what I am saying is, if we never had a single sky marshal with a gun going on an airplane, but if in fact there was a perception that they were there, is that not some deterrent to hijacking?

Mr. ASHWOOD. No, sir, and let me explain why, if I can give you a quick scenario. If I knew that there was a sky marshal aboard, one or two or even three, an unknown number aboard a flight that I wished to take, what I would do, I would take that aircraft, but I would have colleagues with me on board the aircraft who would be sleepers, what we call sleepers.

And I would allow the sky marshals to reveal themselves in opposition to me as the hijacker, and once they have revealed themselves then the sleepers I had amongst the passengers would in fact take over. This is the standard procedure.

This is part of the terrorist training manual, and I mean that literally. It is part of the terrorist training manual. You can force the sky marshals to reveal who they are, if you do not figure it out already, because he is the guy that does not drink, does not watch the movie, and does not take his jacket off.

Senator EXON. Then are you not saying, along the lines of the questioning that I tried to follow earlier, that in the days of yesteryear when we had a lot of one-armed hijackers going to Cuba, we have got a somewhat significantly different situation today with the sophistication and the training that hijackers go through, which makes marshals that much less effective than they once were?

Mr. ASHWOOD. Yes, sir, I agree.

Senator EXON. One last question. How do you feel the individual airlines discharge their responsibility for maintaining security? Do all or some of them take this seriously, or is the general rule that the airlines leave security pretty much up to the airports that they are about ready to fly away from with a load of passengers?

Mr. ASHWOOD. Again, I am seldom in a position of saying something nice about management, but I do believe that the airlines, at least on the properties where my union represents the pilots, do perform the security duties more than adequately. I believe they put more into it than is actually required minimally by the Federal regulations. We are satisfied with what they are doing.

We would like to have some more things done, but they are not apparently required.

Senator EXON. But basically you think that the airlines are taking whatever responsibility they have quite seriously?

Mr. ASHWOOD. Yes, sir. I would have to give them a good passing grade.

Senator EXON. Thank you.

Senator KASSEBAUM. Senator Riegle.

Senator RIEGLE. I just wanted to say that I appreciate your testimony and I find it interesting and valuable to me, and I appreciate

the directness of it as well. And I think you pose some important questions about how effective and all the pluses and minuses that would be associated with sky marshals as we would think of them out of the previous experience.

I thought, however, the Department, the people who were here before you, were indicating that another—it may be possible to sort of envision the function in a different way, and that is that there might be a person there, and particularly in high-risk areas, who is responsible for a certain aspect of security work and check out before a flight is even boarded or as the boarding process is taking place.

In other words, there can be, I think, other functions for a kind of security person, than just trying to overpower somebody who is trying to take over a plane. It seems to me the real effort here ought to be on prevention, that is to sort of block it before it happens.

So it may well be that you could have a security person available in higher risk areas who literally is added to the security precautions that are there now as another set of eyes and ears and capabilities, to try to prevent these efforts from being successful.

Mr. ASHWOOD. Yes, you are talking about a security coordinator. We already have one. We call him or her the captain. And we are talking about a question of training. We already have highly trained crews. There is not a single incident that I am aware of, hijacking incident I am aware of, where the crews, the cockpit and cabin crews, have not behaved in an exemplary fashion, and that was with the minimum amount of training that we all receive.

The flight attendants are usually the first line of defense, and sometimes the only line of defense, you have against hijackers, and they are the ones that first of all realize a hijacking is going on usually. They have very minimal training, and yet we have incident after incident where afterwards in the debriefing you realize that they have prevented it from turning into a disaster.

Now, I would suggest that if they can perform to that level with the minimal amount of training that they receive, that given more detailed training, better training, how much better could they do?

Senator RIEGLE. That is the question. Obviously something was not adequate in Athens with the TWA flight. But I do not ascribe that to the pilots or the crew. Everything we have seen from them, as you say, has been exemplary in terms of how they performed.

But somebody did not get something done and it happened, and it suggests to me that there is some important missing elements there, and I am interested in finding out what those are and how they get added. In a sense that case by itself is an illustration of the fact that the captain and the crew, no matter how diligent they are or were in that case, were not by themselves sufficient to prevent that from happening.

And so clearly, there are kinds of breaches that are occurring that have to be blocked in some other fashion. You know, I like the positive suggestions you have made and I think you are right in terms of the fact that we have to devote the resources and take the other steps that you have suggested.

But I guess I am inclined to say that there have been enough incidents here to simply say that the captain and the crew can basi-

cally get the job done, I do not think they can. I think they need help.

Mr. ASHWOOD. They do need help, but I believe that the TWA 847—and I believe it is based on intelligent speculation, at least—that those weapons were introduced from the operational side of the airport.

Senator RIEGLE. Well, maybe that is where the additional security person ought to be applied. If the captain is——

Mr. ASHWOOD. But not on the flight, sir. I would like to see those additional security people at the airports on a permanent—whatever the hours of operation of the airport are, I would like to see them operating at that particular point in time.

I do hope you do not think I am being rude, but I have to tape a session with my own Congressman on the other side of the Hill. But anytime I would be willing to come back and answer any questions to you individually.

Senator KASSEBAUM. Thank you very much, Mr. Ashwood. You are the one I was referring to when I said that there were many who had been actively involved. I know you have been abroad and just returned, and have been working very hard on this. We appreciate you giving all this time this morning.

Mr. ASHWOOD. Thank you very much.

Senator KASSEBAUM. Ms. Lantz, it is a pleasure to welcome you.

Ms. LANTZ. Thank you. Madam Chairman and members of the committee:

I am grateful for this opportunity to appear before you today. My name is Karen Lantz and I am the national vice president of the Independent Federation of Flight Attendants, a labor organization representing TWA's flight attendants. In addition to my duties as vice president, I have been one of the individuals on behalf of IFFA responsible for providing assistance to those flight attendants who were held hostage aboard TWA flight 847.

The assistance provided by IFFA has included not only representing the crew during the investigation of the incident itself, but also the organizing of a joint TWA-IFFA hostage hijacking trauma counseling team to address any possible problems that may arise as a result of the crew's ordeal.

Also with me today is Mary Ellen Miller, the safety and health director and legislative director of IFFA. We are here today on behalf of our membership to offer our comments and observations with respect to S. 1321 and S. 1326 and H.R. 2796.

IFFA is the exclusive bargaining representative of the approximately 7,000 flight attendants employed by Trans-World Airlines. Although based within the continental United States, our members serve as working crew members on board all TWA domestic and international flights, including those to Europe and the Middle East.

IFFA and the flight attendants we represent have a longstanding concern for and strong commitments to not only flight attendant safety, but also to the safety of all airline personnel and each and every member of the traveling public. Since its inception, IFFA has urged the passage and adoption of meaningful laws and regulations directed to ensuring the security, safety, and protection of all involved in the airline industry.

The primary responsibility and obligation of all flight attendants is to provide for the safety of passengers. We are trained, competent safety professionals who are most sensitive to existing safety issues and concerns. As international flight attendants, we have a first-hand opportunity to routinely witness the airport security measures in effect at various airports throughout the world.

It is because of our longstanding concerns that we offer our comments on the legislation that has been proposed. Our comments are based upon our collective experience, informed judgment, and unique perspective as working crew members aboard international flights. Unfortunately, our comments are prompted by the fact that we are once again forced to witness flight attendants and crew members, airline employees, and passengers being killed, seriously injured, hijacked, and held hostage.

Recent events, including the hijacking of TWA Flight 847, the bombings at the international aircrafts in Frankfort and Tokyo, and the shocking loss of an Air India jumbo jet with over 300 passengers and crew members aboard, confirm our belief that this Government must take immediate and decisive action to ensure its ability to protect all citizens traveling abroad.

The proposed legislation is a step in that direction. However, in certain respects it does not go far enough in addressing the real problems that exist.

First, the use of air marshals, or what is commonly known in the industry as sky marshals, as proposed in Senate bill 1326 and by the Department of Transportation, may be well intentioned and may serve as a step in the right direction. However, it is misdirected and woefully inadequate.

What is needed is the development of more effective measures to prevent potential hijackers from bringing weapons on board the aircraft in the first place. Putting sky marshals on board does not address this problem. Moreover, their presence on board the aircraft, no matter how well trained, may only serve to actually increase the danger and risk of injury to passengers and crew members, and their presence on board the aircraft during a potentially volatile hijacking episode obviously raises the possibility of an exchange of gunfire in the cabin and increases the risk of rash and unnecessary actions by terrorists.

In this context, IFFA believes that a preventive measure that would serve as an effective deterrent to hijacking would be the restriction of carry-on baggage. Although the enforcement of rules requiring more frequent opening and physical inspection of carry-on baggage would be helpful, that depends upon the human element and leaves room for human error.

A more effective measure would be simply to limit the number of carry-on bags permitted on board the aircraft, thereby limiting the means by which terrorists may smuggle weapons and explosives on board.

Presently pending before the Federal Aviation Administration is a petition to restrict the number of carry-on bags permitted on board aircraft. We would encourage this committee to instruct the FAA to immediately take action to implement such a restriction. Certainly, any perceived inconvenience that may be experienced by passengers being required to check their carry-on baggage certainly

is far less than the inconvenience experienced in becoming an unwilling participant in or a victim of a terrorist hijacking.

Second, we believe it absolutely critical that security provided by foreign governments at foreign programs be made more effective. In the event that foreign governments are either unwilling or unable to secure their airport facilities, Congress must be prepared to authorize action being taken against them.

However, we feel that a more effective method of securing cooperation and implementation of stricter security measures would be to restrict U.S. air carrier flights to and from those foreign airports until such time as adequate security measures are implemented. A measure such as this can only be implemented by Congress, as it is unlikely that the airlines would be willing to voluntarily take the required action on their own in the competitive market that presently exists because of their concern with corporate profits and the potential loss of revenue.

By Congress implementing such a measure through appropriate legislation, no air carrier would have a competitive advantage over other carriers. A case in point is TWA's recent announcement that security in Athens was more than adequate, an apparent attempt by TWA to minimize the apparent concerns expressed by the traveling public. TWA's recent announcement is in direct conflict with the conclusions reached by other airlines and studies conducted over the past several years.

Passenger and crew safety, and not corporate profits, is our paramount concern, and we assume it is the paramount concern of this committee. To this end, we believe this would result in immediate action being taken to ensure adequate security at foreign airports.

If such a measure would not accomplish this goal, we would suggest this committee propose legislation that would put uncooperative foreign governments on notice that the flights of their air carriers coming into the United States would be severely limited until such time as their airport security is sufficiently improved.

Third, any proposed legislation should consider the FAA's development and promulgation of standardized antihijacking guidelines, procedures, training programs, and reporting requirements in order to assure well-trained, qualified and capable crews on all international flights.

Without question, all reports indicate that the five flight attendants on board flight 847 were all highly trained and capable safety professionals who deserve the highest praise for their actions. Their experience and insight must be analyzed and reviewed and hopefully incorporated into standardized training and antihijacking procedures.

At present, the training available to flight attendants varies from airline to airline. We believe the standardization of emergency training and emergency procedures would greatly enhance passenger safety in the event of a hijacking.

Therefore, we would urge this committee to consider legislation and instruct the FAA to immediately begin development of standardized training and procedures to ensure that all flight attendants and all pilots of all U.S. air carriers receive uniform and complete training in antihijacking techniques. The experience and observa-

tions of the TWA flight attendant crew on board flight 847 should be considered in reevaluating and developing such standards.

Finally, I am compelled to bring to this committee's attention a problem that has arisen as a result of the hijacking of TWA flight 847. Flight attendants who are most familiar with the inadequacies of the security provided at some foreign airports have expressed grave concerns about their being required to work flights bound for these destinations.

In fact, in some instances there are individual crew members refusing to fly into Athens. It is my understanding that these crew members are being instructed by the airlines to take these flights irrespective of the apparent dangers that presently exist, subject to their being disciplined or discharged for their refusing to do so.

Threat of discipline or discharge in such circumstances is unconscionable. Flight attendants and pilots alike are entitled to safe working conditions and are entitled to be provided with a safe working environment. We believe it critical that any proposed legislation address this problem and assure that employees who in good faith believe that their working conditions or place of employment has been unreasonably dangerous cannot be penalized. In this connection, we note that title 5, section 502, of the Labor-Management Relations Act provides some measure of protection for those employees faced with such a dilemma.

We believe it incumbent upon this committee to suggest that any proposed legislation include at the very least similar protection for those employees whose lives literally may be placed in jeopardy because of the very real dangers involved in flying into foreign airports.

Madam Chairman and members of the committee, this concludes my testimony. I appreciate the opportunity to appear before you and I will be happy to answer any questions that you may have.

Thank you.

Senator KASSEBAUM. Thank you, Ms. Lantz.

Did I misunderstand you or did you say that there should be no carry-on luggage, that all luggage should be checked?

Ms. LANTZ. We believe that it should all be checked.

Senator KASSEBAUM. But carry-on luggage, of course, is the only luggage that today is checked through a metal detector. So I assume you are not saying that for——

Ms. LANTZ. We believe that checked luggage should be screened as well as carry-on luggage. But we definitely, for both safety and security reasons, believe there should be no carry-on luggage whatsoever.

Senator KASSEBAUM. It has been suggested today in a speech given by the Secretary of Transportation that there be a security coordinator on all flights. Do you feel that is necessary?

Ms. LANTZ. We believe that all of the crew, both pilots and cabin attendants, should receive sufficient training, that they would all really be a security coordinator. First of all, it is impossible for one person to be aware and to watch everything that is going on on board an airplane while it is on the ground and being serviced.

You have airplane cleaners, more than one. You have normally more than one galley which is being loaded and secured at one time. Even on a small airplane such as a 727, it would be absolute-

ly impossible for one individual to be aware of what is going on and be able to visually watch every single person who is on board the airplane.

Senator KASSEBAUM. What do you do now when you have a difficult passenger situation? Do you call the copilot?

Ms. LANTZ. We are trained to handle that ourselves. We do have the ability to contact the captain if it is a particularly unruly passenger. However, we have been trained to handle difficult situations with passengers ourselves.

Senator KASSEBAUM. I know that there are times when you have to handle extremely obstreperous and difficult passengers, and I did not know what your fallback position was.

Ms. LANTZ. Our fallback is, if we cannot handle it ourselves, we do have a lead position on board the aircraft, in fact all aircraft except for narrow-bodied domestic flights, in which you can ask somebody else to intervene on your behalf. And of course, if worst comes to worst, you do have the pilot to fall back on.

Senator KASSEBAUM. What can he do?

Ms. LANTZ. Sometimes just the authority of a pilot speaking to a passenger will sometimes calm the passenger down. That is not necessarily the case in point. However, one of the ways that we do handle that is by asking the pilot to radio ahead and ask for Federal authorities to meet the airplane.

Ms. MILLER. We can also request that they put the airplane down at the closest airport and to have the person arrested if necessary, and that does happen on occasion.

Senator KASSEBAUM. When you talk about standardized training, is there anything in the training now that pilots use to notify air control towers that there is a particular problem on board?

Is this something that you can——

Ms. LANTZ. I remember in the late sixties and early seventies when the rash of hijackings were taking place there were different codes. As far as what is happening right now and what our training is, again, like Captain Ashwood and the Department of Transportation people, we would not want to go into great detail into exactly what our training and procedures are as far as hijacking goes.

We do know that, from speaking with flight attendants and union representatives from other airlines, that not every single flight attendant group from each airline is being told the same thing, and we think it really is necessary that the procedures be standardized.

Senator KASSEBAUM. Thank you very much.

Senator Exon.

Senator EXON. Just a comment, Madam Chairman.

I was particularly interested in your suggestion that we limit, no baggage. An airplane is almost like a zoo today, it seems to me. It is not uncommon at all to see somebody come on board an aircraft with a suitcase with straps on it in one hand and a bag with straps on it in another and two briefcases.

And at least at one time, did we not have a regulation that the only thing you could carry on an airplane was what you could put underneath the seat in front of you? Was that not a regulation at one time?

Ms. LANTZ. That was a regulation at one time. However, the airlines, to increase their marketing capability, advertised such things as carry-on luggage racks. They have enclosed the overhead bins so that you can now put luggage in the overhead bins.

Many aircraft, especially your wide-body aircraft, were specifically designed with carry-on garment bag space. And I have seen carry-on garment bags that a passenger can barely carry, much less be able to hook up onto a hook and safely stow.

Senator EXON. In other words—that was my next question. The airlines have encouraged—they do not have to handle the bags if I carry them on, and I like it because I can get in and out of the airport that much faster and I do not have to wait in line for the baggage. I think that is a salient point.

You did also touch on the fact that you felt that all checked baggage should be screened, and I strongly agree with that because I am very fearful that that might be our next most important thing that we are going to have to deal with. Once those things get started, it seems like these fads do catch on, and I think that is a particularly frightening thing.

I am wondering if—in that regard, I heard that in one airport—it is a foreign airport and I do not remember where it was—but the bags are checked, but the bags are then placed outside the aircraft, and when the passengers come out to get on the airplane they identify, that is my bag and that is my bag. And when that happens the bags then are loaded into the cargo area of the aircraft.

That means then if there is any bags sitting out there after the airplane is fully loaded, they find out whose bags those are. That may be an extreme measure, but I believe some foreign country is doing that today to protect this proposition of someone putting unwanted or dangerous baggage on an aircraft.

Do you know what country that is, or have you heard of that?

Ms. LANTZ. I am not sure it is a particular station. I believe it may be the procedure of a particular airline. I do know that in some situations TWA has also implemented that type of a procedure, perhaps if they received a bomb threat or something.

I know I have been a flight attendant on board a flight where the airline and/or the airport requested that that type of procedure be done for a particular flight or flights.

Senator EXON. From your knowledge would it significantly slow down the loading of aircraft if we had x-ray machines that bags that are checked could just pass in front of? They can do that very rapidly, can they not?

Ms. LANTZ. That is true. And I have to remember, in the 1970's when we were talking about screening passengers and carry-on luggage, that was everybody's concern, that it is going to take forever to board the aircraft, that there would be delays, that people would have to go to the airport earlier.

And yet, in the past 11 years it has become a way of life. We expect this. And I cannot help but think that if it does incur delays into the future, we will learn to deal with it. We cope very well with change. Yes, people will complain at the beginning, and yes, there will probably be lengthy delays in the beginning.

But as soon as the procedure becomes standard, becomes commonplace, becomes expected, people will start to expect it to

happen and deal with it, as they do the screening of themselves and their carry-on luggage today.

Senator EXON. Do you not agree—at least my experience has been that they clear my carry-on luggage a whole lot quicker than they clear me. I mean, I have to wait until the person ahead of me goes through that gate. So I do not believe any delays at the airport are basically because of the screening of the carry-on baggage. It takes longer to screen the individual, even though it is supposed to be a simple thing of walking through.

Ms. LANTZ. Especially when you have a number of passengers who start the buzzer going off because of keys or coins or whatever in their pockets, yes.

Senator EXON. It has never happened to me.

Thank you, Madam Chairman.

Senator KASSEBAUM. Senator Riegle.

Senator Riegle. Thank you, Madam Chairman.

I want to pursue two things with you just briefly. One is on the issue of sabotage, which is a new kind of threat. When I think of the 329 people that were lost in the Air India flight, I think if they could have the option of having the baggage checked and be back here alive and well, they would be quite willing to put up with whatever delay there was in making sure the baggagé was safe and there was not a bomb aboard.

So I think we are going to have to find a way to do that, and I think it can be done efficiently. I think that is actually an easier task than taking somebody, whether Senator Exon or myself or whoever, through the walk-through system with the hand luggage and so forth. I think it probably would even be more efficient when you line up bags coming down a conveyor with some kind of a photographic x-ray type device to be able to see what is there, because I expect that we are going to see more of this, I am sad to say, but I think we are likely to.

The pattern of bombing all over the world is increasing at an exponential rate in all different kinds of forms, including right across the street at the U.S. Capitol not that very long ago. So it seems to me we are going to have to do that.

Now, I had to step out of the room for a call, but I understand you said, while I was taking that phone call, that airline crew members who have refused to fly into high-risk areas, like the Athens airport, are apparently threatened with dismissal by the airline. Is that correct?

Ms. LANTZ. That is correct. I have had a number of our members call me with their concern about flying into the Middle East and that they did not want to take their flights.

And when I spoke to our company regarding that I was told that if the airline operates the flight they consider it safe, and it is part of their job and responsibility, being the flight attendant's job and responsibility, to operate that flight as well. And if they absolutely refused, then they could be charged with insubordination and could be subject to discipline and/or discharge.

Senator RIEGLE. Has that happened to anybody you know?

Ms. LANTZ. So far, no.

Senator RIEGLE. Well, I would hope that would not happen.

Ms. LANTZ. I hope so, too. I think that is one arbitration we would win.

Senator RIEGLE. Well, I appreciate your testimony today and the suggestions you have made to us.

Senator KASSEBAUM: Thank you very much.

The next panel: Mr. James Landry, senior vice president and general counsel of the Air Transport Association; Mr. Richard Lally, director of security, Air Transport Association; and Mr. Doyle Reed, chairman, security committee, Airport Operators Council International.

Mr. Paul Letersky, vice president of audits and security, Pan American World Airlines, was to have testified, could not be here, and I would like to request that his full testimony be made a part of the official record of the hearing.

Welcome. Thank you for your patience in going through the long hearing this morning. Mr. Landry.

STATEMENTS OF JAMES LANDRY, SENIOR VICE PRESIDENT AND GENERAL COUNSEL, AIR TRANSPORT ASSOCIATION; RICHARD LALLY, DIRECTOR OF SECURITY; AND DOYLE REED, CHAIRMAN, SECURITY COMMITTEE, AIRPORT OPERATORS COUNCIL INTERNATIONAL

Mr. LANDRY. Thank you, Madam Chairman. My name is James E. Landry. I am senior vice president and general counsel of the Air Transport Association of America [ATA], the trade and serivice organization of the U.S. scheduled airlines. I am accompanied by Richard F. Lally, ATA's director of security.

Our airlines members account for about 90 percent of the total revenue passenger miles for all U.S. scheduled air carriers domestically and internationally, and 17 of our members provide regularly scheduled passenger and cargo air service between the United States and more than 70 countries.

On behalf of our member airlines, which are critically important instruments of U.S. commerce, we commend the subcommittee for responding so quickly and responsibly to the recent despicable acts of terrorism directed against air transportation.

Among other matters, we are pleased to have this opportunity to discuss with the subcommittee the regrettable fact that there are serious flaws in the international community's enforcement of treaties related to crimes against aviation. We hope that these hearings and other congressional interest will help the executive branch in its efforts to remedy this situation.

The technological and productivity success of today's commercial aircraft in transporting hundreds of millions of people and millions of tons of freight and mail throughout the world have given the product we sell—air transportation—a visibility undreamed of when the industry began. Because civil air transportation has been the innocent victim of vicious acts of terrorism, it must be accorded the highest level of governmental concern and protection on a worldwide cooperative basis. While we are taking all prudent and practical measures to protect our passengers, shippers, and personnel, in the final analysis these crimes against mankind must be brought to

an end through effective and affirmative actions, and enforcement by the community of nations.

The foundation is in place for that essential cooperative effort. We urge our Government and all other responsible governments to build upon it swiftly and resolutely. First let us focus upon that foundation—a trilogy of treaties drafted between 1963 and 1971 reflecting the collective determination of civilized nations that crimes aboard aircraft, hijacking, and sabotage would not be tolerated.

The Tokyo Crimes Aboard Aircraft Convention of 1963 has now been ratified by 120 nations. The Hague Anti-Hijacking Convention of 1970 by 125, and the Montreal Sabotage Convention of 1971 by 92. On their face, the Tokyo, Hague, and Montreal conventions would appear to have the cumulative effect of eliminating safe havens for aircraft hijackers and saboteurs.

But as early as 1973, it was recognized that there still remain some sanctuaries for the perpetrators of crimes against air commerce. After some preliminary meetings, the nations of the world assembled in Rome that year in an effort to draw up an additional treaty providing agreed sanctions against such safe haven nations. Regrettably, the time was not then ripe for such a step and the diplomatic conference dissolved in angry polemics and a frustrated vision.

A number of the world's major aviation powers, however, were not willing to accept this rejection, and we were subsequently gratified to see the antihijacking declaration announced by the seven world powers gathered at the economic summit meeting in Bonn in July of 1978. That declaration contemplates the cessation of commercial air service to and from any country that harbors airline hijackers. In the months following the Bonn declaration, at least two dozen other nations made public or private statements of support for that approach. Yet, in the 7 years since that dramatic announcement we have seen little or no implementation of that joint resolve.

We in the airline industry sense that civilized society will no longer countenance a surrender of the world's governments to the traditional cliche that one man's terrorist is another man's freedom fighter. We believe that the time is ripe for a renewed effort to put the necessary teeth in the three treaties outlawing these terrible crimes by establishing joint, appropriate sanctions for nations that give comfort to the perpetrators. It can be accomplished by an expansion of the Bonn declaration—and a willingness to implement it, or by the drafting and bringing into force of a new treaty similar to the aborted 1973 effort in Rome.

At the same time, there must be swift and resolute action to put some teeth in the standards and recommended practices set forth in annex 17, the security annex to the Chicago convention. If those standards are enhanced and universally followed, we will see the emphasis placed when and where it should be—on the ground, before the plane takes off, before the would-be hijacker gets through the screening point, and before the would-be saboteur's devices are placed aboard the aircraft.

To that end, ATA member airlines have instituted additional security measures in cooperation with the Department of Transportation, the FAA, and other appropriate authorities. These steps in-

clude intensified screening checks and an ever-heightening security awareness on the part of all of our ground and flight personnel.

For the Government's part, we applaud the new priority that is being assigned to research and development in the detection of weapons and explosives that might be smuggled aboard aircraft. We have urged this for many years and we would suggest that, consistent with our belief that the greatest emphasis must be placed on actions on the ground before the criminal act, a useful role can be played here by the newly revitalized corps of Federal air marshals or other well-trained governmental aviation security experts.

While we recognize that a selective use of highly trained air marshalls on appropriate flights can be an added deterrent, we concur with those, including our pilots, who are convinced that a major expansion of the program to ensure that air marshalls routinely ride shotgun on our flights would be unwise.

It would be wrong to convey a perception that air marshalls provide the ultimate answer to this problem. Moreover, the introduction of their firearms could provide an added element of danger to an aircraft in flight.

On the other hand, these or other highly trained Federal aviation security experts can make a substantial contribution to the prevention and deterrence of these crimes on the ground by inspecting the security checkpoints and reviewing the preventive procedures at major airports here and abroad. They can pinpoint the weaknesses, the areas in which the level of security falls short of ICAO or other internationally accepted standards, and give appropriate notice to the authorities to assure prompt corrective action. Followup sanctions for those airports and airlines which nonetheless refuse to take necessary responsive actions could be provided for in a strengthened annex 17 or a companion undertaking.

Here too, the responsibility for such surveys and recommendations should not be borne by U.S. experts alone. Similar teams should be volunteered by other nations and international organizations.

In advocating such surveys and remedial actions, we do not, however, lose sight of the fact that sound security also takes into account the dynamics of change that mark the airline industry. These dynamics affect security just as they do the economics of the industry and the application of technology.

In short, security entails change and we must be prepared to be flexible. Security programs must be kept under constant scrutiny and at each airport and each terminal. The effectiveness of a given location's screening program can change quickly, particularly at those airports abroad where there is not the type of detailed security program which the FAA oversees at U.S. airports.

For that reason, the travel advisory approach on security deficient airports may simply not keep up with changes. But to reiterate, we favor regular inspections at international airports, the identification of discovered security deficiencies, and the assurance of prompt corrective actions, together with an appropriate enforcement mechanism.

Before leaving this point, we should mention that the airline industry and some Federal agencies have long advocated the exten-

sion of preclearance to additional locations abroad. Under this system, now in place at major hub airports in Canada, Bermuda, and the Bahamas, passengers and their baggage are inspected for customs, immigration, and agriculture quarantine purposes prior to departure from a foreign country, rather than upon arrival in the United States.

In that manner, drugs and other contraband, illegal aliens, and dangerous plant and animal diseases are intercepted at their source, far from U.S. soil, rather than being transported to this country.

Moreover, preclearance allows travelers to trickle in at the foreign airports at their own pace and proceed through the customs, immigration, and agriculture quarantine formalities in a leisurely fashion, with ample time for as thorough an inspection as is required. This is in contrast to inspection upon arrival in the United States, when planeloads of persons disembark at the customs and immigration areas with travelers from countries all over the world.

The advantages of this system for security as well as for facilitation purposes are self-evident. Its expansion to other key airports, such as London, Shannon, Frankfort, Rome, Santo Domingo, Port au Prince, Mexico City, Tokyo, and Sydney, should be aggressively and immediately pursued because of the major contribution it can make to aviation security.

In 33 years of preclearance operations, not a single precleared flight has ever been hijacked.

In summary, therefore, we agree with the objectives of the legislation that has been introduced in the wake of this most recent terrorist activity. However, we urge that congressional action here recognize the need for a flexible response to the changing nature and level of security threats that may arise.

In this regard, we believe that S. 1343, with its broad approach to the problem, provides a better framework for dealing with the variety of needs and circumstances than would other legislative proposals, with their rigid and detailed requirements.

We believe that valuable lessons have been taught by our common experience in combating hijackings in this country since the initial onslaught in the early seventies. The airline security officials of ATA member carriers have dedicated their efforts over the last 15 years to achieving a high level of security for U.S. airline operations worldwide.

Most importantly, they have not been alone in striving toward that goal. They worked side by side with equally dedicated security experts in our Government, with the strong encouragement of the Congress, in what has been described as one of the finest examples of Government-industry cooperation in many years.

This common task unfortunately appears destined to be an unending one in today's society. The horrifying events of the past 2 weeks have raised the stakes even higher. But a worldwide governmental effort to build on the foundations that are already in place can and will ensure that terrorists will never paralyze the free movement of passengers and goods.

Surely the community of nations owes prompt and meaningful action, as the drafters of the Chicago convention put it 40 years

ago, to promote the cooperation between nations and peoples upon which the peace of the world depends.

We urge the subcommittee to take every possible action to ensure that such a worldwide governmental effort is launched and successfully concluded. The airline industry stands ready to lend all possible assistance to that effort.

Thank you, Madam Chairman. Mr. Lally and I would be pleased to try to answer any questions you may have.

Senator KASSEBAUM. Thank you very much.

Mr. Reed, I think we will go ahead and hear your testimony, and then have questions of the panel together.

Mr. REED. Madam Chairman, also in the interest of time I have submitted a statement for the record, and I will condense it for our purposes right now. I am past chairman of the Airport Operators Council's International Security Committee. I am presently director of operations for the Memphis-Shelby County Airport Authority.

AOCI is an association of governmental bodies that own and operate the principal airline served airports in the United States and throughout the world. Our members emplane over 90 percent of U.S. air passengers and 75 percent of the world's air passengers to 800 airports worldwide.

FAA emergency directives issued in late 1975 required expansion of the airport and airline security programs to include 100 percent passenger screening and law enforcement support of that screening activity. It was through the cooperative efforts of the Government and industry that initiative has resulted in an antihijacking program widely recognized as one of the best in the world.

However, in light of the recent terrorist activities, it is very important to reexamine the overall aviation security program to determine if there are additional or more effective approaches that we should implement to make air travel even safer than it is today.

At the same time, however, AOCI cautions against hasty adoption of untested measures which may prove to be a financial burden and be of little use in trying to resolve the further acts of criminal violence that we are experiencing.

AOCI believes that the current set of regulations, the Federal Aviation Regulations part 107 and 108, and the International Civil Aviation Organization annex 17 serve the flying public well under all reasonable circumstances. We recognize, however, that all regulations should keep pace with the changing needs of society.

Recent events such as the TWA hijacking, the bombing of the Frankfurt airport, the explosion at Narita Airport terminal, and the Air India catastrophe lead us inexorably to the conclusion that actions should be taken to thwart the international terrorists. It is the air carriers' responsibility for preboard passenger screening. The airline passenger screening system has been the cornerstone of the U.S. civil aviation and security program. The system was designed to detect the carriage of firearms, explosives, and incendiary devices.

Between 1973 and 1983 the successful detection rate was 98.9 percent. The airport operator is responsible for providing a law enforcement presence and capability adequate to ensure the safety of persons from acts of criminal violence and aircraft piracy. The se-

curity of the runways, taxiways, and aircraft parking aprons, also known as the air side, which has been referred to several times as the air side today, are the responsibility of the airport operator, who observes stringent FAA regulations.

On the land side or that area, the public side which ends at the entrance to the air side, the airport operator is again responsible for the safety of the public, providing police protection on an around-the-clock basis. We do not have all the immediate answers, but we do have some recommendations which we would like to submit for your consideration. We believe it would be beneficial to examine the way airline and other airport tenant employees are given clearance to airport restricted areas which is our responsibility.

At present, we issue air side restricted area clearances at the request of individual airport tenants. Investigation into the employee's background varies with different employers. As a means of strengthening security procedures, we suggest that an FPI computer security check and a local law enforcement records check be performed on all prospective airport tenant employees in the United States.

We also encourage ICAO to enact similar requirements. This could probably be done by Interpol. The adoption of an industry-wide educational effort to provide all airline airport tenant and user employees a better understanding of the awareness necessary to maintain a secure environment.

With the guidance and expertise of the FAA an educational program can be developed which will provide rudimentary knowledge of such things as challenging and reporting, and also a familiarization on the nature of explosive devices, their placement and inherent dangers. These and other educational methods would greatly assist employee understanding of their role in the overall aviation security program.

AOCI believes that authority should rest with the ICAO to investigate and make determinations concerning adherence to the airline and airport security programs. Upon finding a deficiency, working with the member state, we believe that these can be corrected, and if not corrected within a specified time, then ICAO would make public notification of the issues and warn the traveling public against using the airport or airlines identified.

Further, in the event of a security incident taking place, ICAO should make a full investigation immediately to determine the cause and offer recommendations for corrective measures. Research and development of new technology to aid in the design and manufacture of sophisticated bomb detection equipment should be put high on our list of priorities. The currently available equipment is inadequate to examine our baggage, mail and cargo, in a manner that would allow the airlines to operate the kind of schedule which the public demands.

The objective of this initiative is the eventual capability of 100 percent baggage screening for explosives when deemed appropriate for certain high risk flights. AOCI also believes that the primary effort to thwart hijacking should be directed toward improved ground security rather than airborne security. Although we do not have enough background information to make an effective evalua-

tion of the proposed air marshal program, if it is expanded, it should be used only on select high risk flights and should be funded only from the avaition trust fund surplus.

In conclusion, we want to let you know that we, the airport operators who comprise AOCI are constantly concerned with facility security, and are willing to do what is necessary to ensure the public safety in the face of the types of terrorist activities we have recently seen. We trust that the suggestions that we have just made will be given favorable consideration. Thank you.

[The statement follows:]

STATEMENT OF THE AIRPORT OPERATORS COUNCIL INTERNATIONAL

Madam Chairman and Members of the Aviation Subcommittee: I am Doyle Reed, past chairman of the Airport Operators Council International Airport Security Committee and Director of Operations for the Memphis-Shelby County Airport Authority. Additionally, I am an AOCI representative on a government/industry working group formed for the purpose of ongoing analysis of the effectiveness of U.S. aviation security programs. I am accompanied by Herbert Gile, current chairman of the AOCI Security Committee and General Manager of the Kansas City International Airport.

As you know, AOCI is the association of governmental bodies that own and operate the principal airline-served airports in the United States and throughout the world. Our members enplane over 90% of the U.S. air passengers and 75% of the world's air passengers through 800 airports worldwide Madam Chairman, we appreciate the opportunity to explain what we believe is the proper course of action under these most trying circumstances.

AOCI strongly condemns any and all acts of agression against the civil aviation community, whether perpetrated in the air during the transport of civilian passengers or on the ground at civil airports.

FAA emergency direction issued in late 1972 required expansion of then-existing airline and airport security programs to include 100 percent passenger screening and law enforcement support of that activity. Through the cooperative efforts of government and industry, that initiative has resulted in an anti-hijacking program widely recognized as one of the world's best. However, in light of recent terrorist activities, it is very important to re-examine the overall aviation security program to determine if there are additional or more effective approaches that we should implement to make air travel even safer than it is today. At the same time, AOCI cautions against hasty adoption of untested measures which may prove to be a financial burden on the private and public sector and be of little value in deterring further acts of criminal violence. AOCI believes that the current set of regulations, the U.S. FAR Parts 107 and 108 and the International Civil Aviation Organization (ICAO) Annex 17 serve the flying public well under all reasonable circumstances. We recognize, however, that all regulations should keep pace with the changing needs of society. Recent events such as the TWA hijacking, the bombing of the Frankfurt Airport, the explosion at the Narita Airport terminal and the Air India catastrophe lead us inexorably to the conclusion that actions should be taken to thwart the international terrorist whose motives may lie within his religious, personal or political beliefs so firmly that different tactics maybe necessary. AOCI urges that all airports and airlines conform promptly and totally to their responsibilities under the ICAO conventions and resolutions related to the suppression of unlawful acts against the safety of civil aviation.

As you are aware, it is the aircarriers' responsibility for pre-board passenger screening. The airline passenger screening system has been the cornerstone of the U.S. Civil Aviation Program. This system was designed to detect the carriage of firearms, explosives and incendiary devices. Between 1973 and 1983, the successful detection rate was 98.9 percent. The airport operator is responsible for providing a law enforcement presence and capability adequate to insure the safety of persons from acts of criminal violence and aircraft piracy. The security of runways, taxiways, and aircraft parking aprons on the airport, also known as the "airside", are the responsibility of the airport operator who observes stringent FAA regulations which require, among other things: access limited only to authorized, identifiable personnel; a means of controlling which vehicles are admitted onto the airside; and security fencing around the perimeter of the airport which serves as a deterrent. On the landside, or that area which ends at the entrance to the airside, the airport operator

is again responsible for the safety of the public, providing police protection on a round-the-clock basis.

While we do not have all of the immediate answers to this complex problem, we do have several recommendations which we believe would bolster the overall aviation security program.

(1) We believe it would be beneficial to examine the way airline and other airport tenant employees are given clearance to airport restricted areas. At present, the airport operator issues an airside restricted area clearance at the request of the individual airport tenant. Investigation into the employees' background varies with different employers. As a means of strengthening the clearance procedures, we suggest that an FBI computer security check and a local law enforcement records check be performed on all prospective airport tenant employees in the U.S. We encourage ICAO to include a similar requirement in its regulations, relying on the services of Interpol to perform the security checks. The adoption of these measures would bring us much closer to insuring that only trustworthy employees are granted access to security-sensitive airport restricted areas and aircraft.

(2) Careful consideration should be given to the design and placement of all receptacles within the airport terminal. Most airports have relocated baggage lockers from public areas to locations behind screening points to prevent explosive devices from being placed in them. Other types of receptacles can be moved to very conspicuous locations, making it difficult for a terrorist to surreptitiously plant an explosive device. In addition to these precautions, careful consideration should be given to the design of more appropriate receptacles to foil attempts of terrorism.

(3) The adoption of an industry-wide educational effort to provide all airline, airport, tenant, and user employees a better understanding of the awareness necessary to maintain a secure environment would be a good step in the right direction. With the guidance and expertise of the FAA, an educational program can be developed which will provide rudimentary knowledge of such things as: challenging anyone on the airside who doesn't look as though he belongs; reporting any suspicious activity to their superiors or law enforcement officers as appropriate; and familiarization with the nature of explosive devices, their placement and inherent dangers. These and other educational methods would greatly assist in employee understanding of their role in the overall aviation security program. Additionally, we believe the amount of training which flight crews receive in preventing or coping with a hijacking should be re-evaluated to determine the effectiveness of current emergency procedures.

(4) Authority should rest with ICAO to investigate and make determinations concerning adherence to the airport and airline security regulations in effect under the applicable annexes in cooperation with the State governments. Upon finding a deficiency, the member State in question should be immediately responsible for rectifying the shortcoming. In the event that the airport or airline does not correct the identified weakness within a specified period of time, ICAO would then make public notification of the condition and warn the traveling public against using the subject airline or airport.

In the event of a security incident taking place, ICAO should make a full investigation immediately to determine the cause and offer recommendations for corrective measures.

(5) Research and development of new technology to aid in the design and manufacture of sophisticated bomb detection equipment should be put high on our list of security priorities. The currently available equipment is inadequate to effectively examine all baggage, mail and cargo in a manner which will allow the airlines to operate the kind of schedule which the public demands. The objective of this initiative is the eventual capability of 100% screening for explosives when deemed appropriate for certain high-risk flights.

(6) AOCI believes that primary efforts to thwart hijackings should be directed toward improved ground security rather than airborne security. Although we do not have enough background information to make an effective evaluation of the airmarshal program, if it is expanded it should be used only on select high-risk flights and should be funded only from the Airport and Airways Improvement Trust Fund surplus.

In conclusion, Madam Chairman, we want you to know that the airport operators who comprise AOCI are constantly concerned with their facilities' security and are willing to do what is necessary to ensure the public's safety in the face of the types of terrorist activity we have recently seen. We trust that the suggestions we have made will be given favorable consideration. We give you our assurance that we will work with FAA, DOT and industry to bring solutions to the problems which confront us.

Thank you. We would be pleased to respond to any questions you may have.

Senator KASSEBAUM. Thank you very much, Mr. Reed.

I would like to ask all of you how you feel—you touched on it, Mr. Reed—regarding the revocation of certificates for failure to meet ICAO standards. Should this be done as a measure of our determination and the international determination to bring the airports up to standard? Mr. Landry.

Mr. LANDRY. Madam Chairman, the powers, as Assistant Secretary Scocozzo indicated this morning, are there in sections 1114 and 1115 of the act. We believe that obviously the Government took the proper approach in inspecting the Athens airport and recommending changes and working with the Greek authorities to ensure that those changes were made.

They also, of course, as was pointed out this morning, enjoyed the redundant efforts of our own flag carrier and Olympic Airways at Athens. At some point after proper notice and after an indication that the Greek Government perhaps is totally unwilling to do something, that is the time when the discretion calls for the unilateral move by the United States.

I also suggested in my statement that that would be an area perhaps in which the Bonn declaration could be expanded, and a number of nations could collectively indicate that there would be a cessation of service to an airport, a given airport which refused to bring itself up to the ICAO standards or internationally accepted standards of security. We think that is an area that ought to be given added impetus.

I don't know whether Mr. Lally has anything to add to that.

Senator KASSEBAUM. On the other hand, we have heard testimony stating that this is not merely a question of effort to tighten security by Greek authorities and TWA's redundant efforts. There is also the problem of security in the service areas, and additional problems referenced in all the other guidelines established by ICAO. It seems to me that if we have authority on the books, which we do if it is going to have any meaning, then it has to be used. I couldn't help but think of this when you were mentioning the different declarations and conventions, one of them being Montreal, which I believe Greece is a signatory to. Am I correct in that?

Mr. LANDRY. Yes.

Senator KASSEBAUM. And one of the parts of that particular convention is that no conspirators should be released, as Greece has done.

Mr. LANDRY. I think that is a very valid point, Madam Chairman. I cannot speak for the Department of State or anyone else involved, but I think that is a valid point.

Senator KASSEBAUM So it seems to me that many times in our desire to do something, in our frustration, we undertake new efforts and legislation, but many times we have had resources available which if used could send a very strong message.

Mr. LANDRY. Madam Chairman, I might say that really is the basic point we came here to make today, that what we really need is a stepped-up enforcement of treaties that are in place, and the declarations by the heads of state of the major nations of the world who collectively have agreed on certain actions.

What we need is enforcement and implementation of some of those things. I think that the effort in Rome to put together a sanctions treaty back in 1973 did teach us a lesson—that the world community of 120-some-odd nations that were gathered there were not then ready for a joint collective effort in that regard, but the countries that signed the Bonn declaration were.

We think that that can be enhanced and implemented.

Senator KASSEBAUM. Well, I would like to know how either ATA or AOCI would feel, for instance, if today we revoked certification at those airports that are still in question regarding the safety standards of ICAO.

Mr. LANDRY. Well, one thing that I think has probably been pointed out this morning is that there has been a very great increase in the security at the Athens airport since this tragic event. I think that is a case, and I believe as a matter of fact——

Senator KASSEBAUM. Well, I was not speaking just of the Athens airport, but of all airports.

Mr. LANDRY. But I think Athens actually is educational in one regard. I believe that the security around one terminal was very high, and the security around another terminal on the ground side perhaps not as high, and that may it be from the ground side where those weapons came in.

I think among the experts in general, the predominant belief is that it came from there and not through those redundant screening systems. But in any event if it doesn't meet ICAO's standards, and if notice is given to the Government and they refuse to comply, yes, I think joint action or individual national action is warranted.

Mr. REED. And AOCI will agree with that. That is correct.

Senator KASSEBAUM. We have heard some comments this morning regarding the security coordinator. I do not know whether either of you has any particular comments to make as to whether this would improve the ability to monitor and control security on a plane or whether, as was stated by both the International Flight Attendants Federation and ALPA, that there are already sufficient personnel trained to deal with this.

Mr. LANDRY. There may be room for some additional training, but I do believe that Captain Ashwood was absolutely right when he said that the conduct of the crews throughout all of these incidents has been very exemplary. I must say watching this horrible event on television I have been awfully proud of that TWA crew.

Senator KASSEBAUM. Yes, indeed.

Mr. LALLY. Madam Chairman, if I could add to that, I think it is important to note that all U.S. airlines currently do conduct antihijack training for all members of the flight crew. All of that training activity is specifically approved by the FAA. In fact, the training program was specifically designed by FAA. The airlines use a standard training program. And if there is any change in that program, every change to it must be specifically approved by the FAA. So standardized flight crew training for antihijack purposes is a fact of life.

Building on that, getting back to your original question with regard to the security coordinator, I realize the objectives one seeks to accomplish through the security coordinator. I think it definitely is the wrong approach. If an airline serves an airport 10 flights a

day and has a security coordinator on each of his flights, you are going to have 10 different evaluations of service or security at that airport.

On the contrary, if that same effort, like the sky marshal, was converted from in flight duties to ground duties, and you had a person, a security coordinator, one or more, assigned to the ground, you would have a much more effective and efficient coordination effort, because that person would know the authorities, would know what is normal and what is not normal, would know who to call if abnormalities are observed. I just think it would be a much more efficient operation.

Senator KASSEBAUM. Thank you.

Mr. Reed, I would like to ask a different question on this regarding AOCI and the tragedy of the Air India explosion. If there had been, say, a luggage check of all the checked in luggage on that particular flight, would the device have been detected? Do we know enough yet to be able to make that judgment?

Mr. REED. No, madam. In that scenario, yes. It maybe had if there had been a physical search.

Senator KASSEBAUM. There would have had to have been a physical search?

Mr. REED. Either that or a passenger bag type system that was addressed a little while ago, and as I stated a while ago, I do think that the emphasis needs to be placed on being able to trust the employees. We have many employees which are granted access to the restricted areas, the cleaners, the caterers, all of these people.

We really do not know anything about their background activities, and I think that what we are talking about when we talk about a security coordinator or anything else is still trying to emphasize the ground security and grant access or observance to the people who are out there performing their jobs.

And I really do not think it is necessary to add further people to do it. I think we can, as we stated, through some background investigations and some security clearances, be able to accomplish the same thing with the same number of employees that we have.

Senator KASSEBAUM. Whose responsibility is that, the airport operators?

Mr. REED. The airport operator is responsible for granting clearance. That is generally granted to an employee upon request, on the assumption that any background investigation has already been conducted by the employer. There is no law enforcement scrutiny done in many cases. In most cases, I should say.

Senator KASSEBAUM. But that is not the responsibility of the airlines, the checking of, say, the ground service personnel?

Mr. REED. Of their employees. Not of the food catering people. Not of the aircraft catering. Or not of even the terminal janitorial people.

Senator KASSEBAUM. Just their own flight service people.

Thank you very much. I appreciate your testimony and again, as I say, your patience.

That concludes the hearing.

[Whereupon, at 1:42 p.m., the committee was concluded, to reconvene upon the call of the Chair.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

Statement of Paul R. Letersky, Vice President, Audits and Security, Pan American World Airways, Inc.

Thank you for inviting me to your hearing and allowing me to share my knowledge and experience in this terribly serious matter of which we all have grave concern.

I have been Vice President-Audits and Security of Pan American World Airways, Inc., for three and one-half years. In that capacity, I have been able to interface with security and intelligence professionals from around the world. I also am a member of various industry groups wherein I serve as an advisor on security related matters.

Prior to my current position, I spent eight years with the Security Department of United Airlines and was involved in every aspect of airline/airport security related matters.

I also spent eight years with the FBI during which time four years were spent addressing airline/airport related Federal crimes. This included involvement in hijackings both on the scene and at administrative command centers. Additionally, I was among the original Federal Agents who were placed on loan to the FAA in September of 1970 and who subsequently became known as "Sky Marshals." In that capacity, we evaluated all aspects of aviation security, both ground and air, in an effort to establish appropriate measures to prevent aircraft hijackings and other related crimes. These efforts, in part, resulted in the successful government/industry anti-hijacking program under which we currently operate. Our recommendations then, which remain valid today, called for preventative measures to be applied on the ground and not retaliatory measures taken in the air. We strongly recommended that weapons not be carried aboard an aircraft. I believe history has proven us correct and nothing has since caused us to deviate from that position.

The dangers of carrying weapons aboard an aircraft have been well-defined by many experts. Those dangers are only amplified with the type of hijackers involved in this current threat. A display of firearms aboard an aircraft, while not knowing how many hijackers or their locations, increases the dangers and potential for tragedy.

We currently have an elite cadre of qualified air marshalls who are assigned ground related civil aviation security responsibilities with the capability of "riding shotgun," if reliable, accurate intelligence information would so dictate that need. An enhancement of this current program, if considered, should allow for the strengthening of ground security, but I see no need for legislation to this effect and certainly oppose legislation that would mandate armed marshalls aboard commercial aircraft.

Armed confrontation in mid-air should be avoided whenever possible. The more weapons we allow to be carried aboard an aircraft, the more we increase the risk of armed confrontation and predictable tragic results.

Thank you for allowing me to appear before you today. I believe my position in this matter is very clear. If you do have any questions, I will be happy to address them.

Thank you.

Statement of Rodney Wallis, Director, Facilitation & Security, International Air Transport Association

The International Air Transport Association (IATA) appreciates the opportunity to provide the Aviation Subcommittee of the Senate Committee on Commerce, Science and Transportation with this statement on airport security in the aftermath of the hijacking of TWA Flight 847 and other recent unlawful interferences with civil aviation.

IATA is a cooperative, democratic association of 138 of the world's scheduled airlines. Although our members vary in size, in the structure of their ownership, in the

politics of their governments, and in the state of development of their flag countries, they share a common goal: to provide safe, efficient, and convenient air transportation to travelers and shippers around the world.

It is our objective to provide safe transportation that compels us to submit this statement. We hope our comments are helpful in considering the various legislative proposals that have been introduced since June 18 in connection with airport security and international terrorism.

We are all aware of the possible threat to the safety of passengers, crew, aircraft, and goods that exists daily. To deal head-on with that reality, IATA maintains a full-time team of experts to study, among other things, airport security around the globe. As part of that job, the IATA staff has cooperated with the International Civil Aviation Organization (ICAO) in its establishment of international airport security standards, worked with foreign governments to ensure that these standards are adopted and practiced, and conducted airline management courses in airport security, the most recent of which was held in Bath, England, on June 10-21.

Further security oversight within IATA has come from an advisory committee formed in the early 1960s and currently comprised of the chief security officials from 24 member airlines. The Security Advisory Committee's role in shaping IATA policy on aviation security matters has been crucial to the continued development of a safe air transportation system.

With these brief remarks outlining IATA's dedication and concern to achieving a secure international air transportation system worldwide, let me turn now to the various proposals under examination by this Subcommittee and the Administration and our opinions on them.

PROPOSALS

Firstly, IATA is opposed to the carriage of any weapons in the cockpit, in the cabin, or in any portion of a commercial aircraft accessible to passengers in flight. There is debate within the industry on the use of armed sky marshals. But in my opinion, reflecting the majority view of IATA's members and reiterating the view of the world's pilots, the suggestion must be rejected. The introduction by sky marshals of weapons into an aircraft provides a potential for their use against the aircraft, crew, and passengers. The deterrent value of a sky marshal program is considered to be limited, while the possibility of a gun battle while an aircraft is in flight would clearly add dramatically to the danger to everyone on board.

Secondly, with regard to the question of publishing lists detailing "weak" airports, we realize this proposal creates a dilemma. However, on balance, we conclude that the benefits of informing the traveling public of insecure airports are outweighed by the risks in providing terrorists with any information they may not know.

Thirdly, current hand-carried baggage restrictions are believed by IATA to be appropriate from the viewpoint of safety and security. If hand-carried baggage regulations are properly applied, no additional measures are deemed necessary.

Fourthly, IATA since 1976 has maintained an intensified aviation security program which involves the inspection of airport security facilities and programs. These inspections are conducted after the identification of potential or existing shortcomings in the security precautions at an airport. Therefore, IATA supports proposals calling for the continuation of similar programs by the U.S. There would be value in close cooperation in this respect between the U.S. Department of Transportation and IATA.

Fifthly, IATA supports suggestions that airport ramp security should be tightened to prevent unlawful interference on the ground and believes greater emphasis should be given by airlines and airport authorities alike to achieve that objective. For obvious security reasons, I do not wish to make any recommendations for the public record, but IATA invites and encourages joint industry-government deliberations.

SOLUTIONS

To guard further against hijacking and sabotage, IATA intends to expand its airport inspection program, with the cooperation of governments, and to continue to work closely with the manufacturers of high-technology security equipment. In addition, IATA will review recommendations from all pertinent parties on training programs for both ground and flight personnel.

However, as stressed to the 4th FAA Civil Aviation Security Conference held in Philadelphia in April and to a specially convened meeting of ICAO's Committee on Unlawful Interference in June, IATA believes that aviation security depends on the commitment of the world's governments to the safety of civil aviation. Implementa-

tion of the three conventions—Tokyo (1963), The Hague (1970) and Montreal (1971)—would ensure that criminals responsible for acts of unlawful interference against civil aviation are adequately punished. Disregard by States which have signed and ratified these conventions constitutes a direct encouragement of additional incidents of the same nature. Yet to date, it is a matter of record that several States have failed to honor their international treaty obligations. The Bonn Agreement (developed by the major industrial powers, including the United States) was intended to pressure States into meeting the terms of the anti-hijack conventions, but this has been invoked only once, against Afghanistan.

IATA believes that, ultimately, air piracy can be defeated only if governments act responsibily within the parameter of international agreements. Only States can ensure that there are no havens or sanctuaries for air pirates or those criminals responsibile for acts of sabotage.

Again, thank you for this opportunity to provide IATA's opinions on this sensitive subject. I have attached a copy of a press release issued on June 28 following a meeting of the IATA Security Advisory Committee.

STATEMENT OF HON. STEWART B. MCKINNEY, U.S. REPRESENTATIVE FROM CONNECTICUT

Madame Chairman: Today, I submit for the official hearing record of the Subcommittee on Aviation my views on the problem of lax airport security—a subject we all have been doing some serious thinking about in the last two weeks—and an explanation of why my Anti-hijacking Amendment Act of 1985 would, if enacted, go a long way toward ensuring that airport authorities everywhere upgrade their security procedures.

With all due respect to my colleagues on both sides of the Capitol, I feel that the various bills currently being considered are simply not draconian enough to force a change in worldwide attitudes toward airport safety. We already have substantial overseas airport review programs, and have been making recommendations to foreign authorities about their airports for over a decade. We do not need to reiterate existing legislation. Instead, we need to put in place a mechanism which would apply pressure where pressure is needed—on the pocketbooks of nations with lax airport security.

My legislation would require the Secretary of Transportation to suspend all U.S. flights to and from a nation where the hijacking of an American plane has taken place, as well as to the suspend all direct flights from that nation. The Secretary can rescind these restrictions as soon as it is determined that the nation's airports have been secured. If there have not been sufficient efforts to improve security within 48 hours, any airplane that has planes flying into that nation would be prohibited from landing in the U.S. Certainly, this would present a tremendous incentive for fixing the shortcoming in security which allowed a hijacking to occur, as the international community would be denied our tourists and business travellers.

On the preventive side, my bill also gives the Secretary of Transportation sole authority to suspend or place conditions on the operations of domestic and foreign carriers when an airport is found lacking in security, and establishes a strict timetable from which our existing airport review procedures must function. My bill also would require the Secretary to report to Congress on actions taken once an airport is identified as a security risk. This will make certain that we do act once an airport is so identified.

Moreover, there is another significant element to my bill. While current law ties all security-related sanctions to the Department of State, my legislation would remove such decisions from the political sphere, and allow the already established security review and recommendation system to function in a vastly more effective manner. In my view, the Secretary of Transportation should be able to act as she sees fit in the event of a serious security problem. My bill is the only bill which would allow the Secretary this authority.

I trust that you will take my views into consideration as you undertake this timely review of airport security regulations. It is vital that we accomplish tangible changes that are both substantive and well-informed, so that in the future we will prevent such appalling acts of terrorism as the hijacking of Flight 847.

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